National Center for Learning Disabilities

The power to hope, to learn, and to succeed.

IDEA Parent Guide

A comprehensive guide to your rights and responsibilities under the

Individuals with Disabilities Education Act (IDEA 2004)

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Introduction

NCLD has created this Parent Guide to the Individuals with Disabilities Education Act (IDEA) so you can become an informed and effective partner with school personnel in supporting your child's special learning and behavioral needs. We hope you will use this IDEA Parent Guide to understand:

- How the federal law generally works in most states
- What the law requires to determine whether your child has a learning disability
- What is new to IDEA since Congress last updated the law in 2004
- What questions you should ask and what information you should prepare in order to be a full and active advocate for your child
- What resources are available to you.

In developing this IDEA Parent Guide, we have worked with parents of students with learning disabilities from around the country. NCLD is thankful to these parents for their invaluable input. Together, we have tried to address the questions, challenges and barriers parents face as they navigate their way through the special education process. Parents have also contributed their own personal stories so that you can hear firsthand that you are not alone in this journey.

Note: The IDEA Parent Guide was created to provide a basic understanding of the key requirements of the federal law under IDEA. The information presented here is not legal advice and should not be used as a legal resource.

Additional Advocacy Resources

Both IDEA and No Child Left Behind (NCLB) include provisions that can be used to improve the academic achievement of students with learning disabilities. Be sure to check out the "Making the 'No Child Left Behind Act' Work for Children Who Struggle to Learn: A Parent's Guide" and the NCLB Parent Advocacy Briefs -- all available at www.LD.org/NCLB.

NCLD also has a guide explaining how you can become an effective advocate within your state, or at the national level. To learn how to lend your voice to advocacy efforts, take a look at NCLD's LD Advocate's Guide.

Parent. Perspectives

Twenty Years Later

What have I learned after weaving my way through the special education maze?

Knowledge is power – you must be as informed as possible about your child's disability AND your child's strengths. You must know the law and how to use it. You must have good communication skills. You must believe in yourself. You must believe in your child. You must be creative. You must be patient. You must be part of a team. You will play many roles, not just mother or father but also Cheerleader, Advocate, Tutor, Lawyer, Researcher, Detective, Teacher, Mediator, Psychologist and Student.

Yes, you are the Student and your child is the Teacher. Your child provides the opportunity for growth not just for you as a parent but also for the teachers. Your child provides the opportunity for your school to grow and expand its vision.

Your child says: "Look at me, I am different, I am truly an individual, you must change the way you've been doing things, you must get creative, you must try something new." You will at first cry, you will be frustrated, you will feel overwhelmed, you will feel alone, you will fight. There will be times you feel like giving up, but you won't because you love your child too much. You will make a conscious decision to be part of the solution. You will make a plan.

-Gloria from New Jersey

Parent. Perspectives

Success is Sweet: A Story of Parent Advocacy

Our district is in Southwest Colorado, and one of the early things I learned was to find as many parents of dyslexic children as I could, and compare notes. Some of us had successful Individual Education Programs (IEPs) for our children, and we would meet at my office on the weekend to read them, laugh, weep, and write down the aspects that were successful and suitable for our own children.

For Goals and Objectives, we read "Better IEPs" by Barbara D. Bateman and soon realized that we were actually teaching the school district. As we became more successful in writing IEPs, we realized the district would never be able to provide a Free Appropriate Public Education to our dyslexic children under the current conditions. We had 12th grade students with 4th or 5th grade reading abilities and in my opinion our Colorado Student Assessment Program (CSAP) results were appalling.

One summer we raised over $23,000 to provide cash funds to dyslexic students who wished to attend a six-week academic dyslexic summer camp. Some parents chose to provide their children with one-on-one tutoring by a private Certified Academic Language Therapist. My son was able to go from a 4.6 grade reading level to an 11th grade reading level in 18 months! How? He received a "scientifically proven method" of teaching by a highly qualified therapist. Consequently, when he reached 9th grade, he was able to access the district curriculum set before him. He also passed his Reading and Writing CSAPs for the first time in 5 years.

We worked with our local newspaper, each of us writing letters to the editor on a continuing basis, never letting the subject of dyslexia and our children's needs drop out of the public eye. Now, the newspaper writes their own editorials in support of our dyslexic children's needs.

We attend school board meetings monthly, and pluck up the courage to tell our story. For some, it is an emotional three minutes of talking; for others, they take it in stride and speak strongly and positively on behalf of all our children.

We learned from Peter and Pam Wright (www.wrightslaw.com) how to become better advocates for our children. We received their monthly newsletters and purchased their books, "From Emotions to Advocacy" and "Special Education Law." We subscribe to every national web site with information that we can. We have an e-mail "tree" of parents who stick together. We support each other emotionally.

We attend the International Dyslexia Association Conference and the Southwest IDA Conference too. We persuade our Director of Special Education and our respective school principals to send their teachers. Knowledge is power.

We encouraged our local Representative in the House of Colorado to change state law, and he included the word "dyslexia" as a "specific learning disability." The Colorado State Senate Bill SB06-118 was signed off by the Senate President and House Speaker and forwarded to Governor Bill Owens for his signature on March 31, 2006. As a result, the district will soon have to provide a "scientifically proven method of teaching" to our dyslexic children.

All in all, despite the hardship, trauma and effort, we feel we are being successful. Our campaign won't help our children, but we knew that in 4th grade when we began. The good news is that if we continue, we will eventually make a difference in the lives of a future generation of children, and our activism will one day allow those children to check out of 12th grade with 12th grade reading.

Success is sweet – and we decided long ago that it didn't matter to whom the success came.

- Anne from Colorado

Overview

In 1975, Congress first recognized the need to provide a federal law to help ensure that local schools would serve the educational needs of students with disabilities. The law they originally passed was titled the Education for All Handicapped Children Act. That first special education law has undergone several updates over the past 30 years. In 1990 the law got a new name – The Individuals with Disabilities Education Act, or IDEA. The most recent version of IDEA was passed by Congress in 2004. It can be referred to as either IDEA 2004 or IDEA.

IDEA gives states federal funds to help make special education services available for students with disabilities. It also provides very specific requirements to ensure a free appropriate public education (FAPE) for students with disabilities. FAPE is the protected right of every eligible child, in all fifty states and U.S. Territories.

Today, more than 6 million school-age children in the United States receive special education services. Almost half – some 2.8 million – are students identified with a specific learning disability.

Federal Regulations

In addition to the federal law passed by Congress, the U.S. Department of Education is required to provide states with federal regulations that further define the meaning of the law including many of the important changes. These regulations also provide guidance to states as to how the law is to be interpreted and carried out in schools. Final federal regulations were published in August 2006 and became effective on October 13, 2006.

Information in this guide is based on both the IDEA 2004 law and federal regulations.

State Special Education Regulations

As part of their responsibilities required by IDEA, every state must issue state rules or regulations that provide guidance on the implementation of IDEA within the state. At a minimum, state regulations must provide all of the protections contained in IDEA. Some states have additional regulatory requirements that go beyond IDEA. Therefore, while the information in this guide reflects the basis requirements of IDEA, it is critical that parents obtain a copy of their state special education regulations and understand the additional requirements they contain. So, consider the information in this guide only half of your information source.

State Resources

Parents are urged to keep in close contact with resources that can provide them with accurate and up-to-date information about their state's special education regulations and procedures. Recommended resources include:

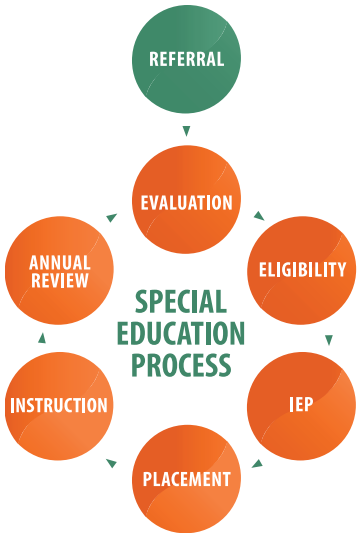
- **Parent Training and Information Centers.** Every state has at least one Parent Training and Information Center (PTI). These centers are a required part of IDEA. Their primary purpose is to provide parents with timely information about special education, including state specific information, so that they may participate effectively in meeting the educational needs of their children. In addition to the PTI, many states also have Community Parent Resource Centers

(CPRC) that are designed to serve the needs of low-income parents, parents of children with limited English proficiency and parents with disabilities. To locate the PTI and CPRC that serve your state or community, visit www.LD.org/PTIlocator.

• **State Education Departments.** Every state has an agency responsible for the supervision of public education. Many states offer handbooks or guides to help parents understand special education state policies and procedures. Be sure to check with your state's education department for helpful information and resources. Complete information on contacting your state's education department is available at http://wdcrobcolp01.ed.gov/Programs/EROD/org_list.cfm?category_ID=SEA

Using this Guide

This Parent Guide is designed to give you a brief yet helpful understanding of IDEA 2004. It provides basic information on the most important aspects of the law and also highlights major changes contained in IDEA 2004. When you see NEW it indicates a change or new provision made in the most recent update to IDEA.



This guide takes you through the special education process – a process that is the same regardless of your child's particular difficulties or disabilities. Along the way, special emphasis is placed on the category of specific learning disability -- only one of the thirteen disability categories defined by IDEA.

Throughout this guide you will find:

- **Parent Perspectives** – brief personal stories that relate the experiences of parents like you.
- **Terms** – important words and terms that are listed at the beginning of each chapter. A complete listing is available in the Terms to Know section.
- **Tools** – helpful information and practical materials for parents such as Checklists, Sample Letters, Charts, and Questions to Ask.

Throughout this guide, these important terms are used:

- **Parent.** The term "parent" is used to refer to a natural or adoptive parent, an individual acting in place of a natural or adoptive parent (such as a grandparent), a foster parent, a guardian or a surrogate parent.
- **School district**. The terms "school district" and "school" are used interchangeably to refer to the entity that has legal authority, control and responsibility for public education in a city, county, town (or combination of these), or other subdivision of a state. Depending on the size of your school and school district, you might find yourself dealing with someone at your local school or at a district-level office regarding special education matters.
- **Special education.** The term "special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. Depending on your child's needs as well as the state, school district and local school policies, special education services may be offered in a variety of ways and in a variety of settings.

As you will discover, special education is complex – full of confusing terms, rigid timelines, and complicated decisions. However, IDEA makes it clear that parents are full and equal partners with schools in determining and meeting the needs of a student with a disability. So be sure to approach your child's educational needs with a sense of equality and confidence. In your advocacy, treat others with respect and expect the same in return.

Some quick tips before starting out:

- **Get organized.** You will need to organize your child's educational records in order to work effectively with school personnel. Throughout this guide you will find helpful tips on the records you need to maintain.

- **Ask questions.** Don't be afraid to ask, ask and ask again. Understanding the special education process will help you to be the best advocate for your child. Take full advantage of all the resources and information available to you.

- **Network.** Find local organizations that will offer you the opportunity to talk with other parents who have children receiving special education. The local policies and practices of your local school district are a big part of what you will experience. The people who make important decisions about those policies and practices are important to know, too. So finding other parents to talk to and learn from is critical to your advocacy. Local or state chapters of disability-related organizations and your local PTA or other parent-teacher organization are just a few places to start.

Remember: Regardless of where you might be in the special education process, it's best to read this guide from beginning to end. That way, you'll gain an understanding of the process and how all its pieces fit together.

Also, remember that this guide was created to provide a basic understanding of the key requirements of IDEA. The information presented in the IDEA Parent Guide is not legal advice and should not be used as a legal resource.

About the Author:

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1 Pre-referral Services

Finding help for your struggling child

Who is this for?

This chapter is for parents who know that their child is struggling in school, but are unsure whether or not their child has a learning disability.

Why is this important?

Millions of school age children experience difficulties with learning. Their struggles in school may be due to factors such as inadequate instruction, cultural or language differences or, in some cases, a learning disability. This chapter outlines a number of services and programs that may be available to help these children succeed before they are evaluated for special education.

What can parents do?

Parents can find out if the school has any additional services that might be available to help their child. This chapter explores just a few services available from provisions of IDEA and NCLB. Parents can also ask key questions about the quality of instruction and any additional support that their child is receiving.

Words and terms to know

Intervention: A change in instructing the student in the area of learning difficulty to try to improve learning and achieve adequate progress.

Pre-referral interventions: Interventions delivered in the student's regular classroom that attempt to improve learning prior to a referral for formal special education evaluation.

Specific learning disability (SLD): IDEA defines SLD as "A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations."

Traditionally, when students have not been able to keep up with the rest of the class academically, good teachers have tried using alternative ways of teaching before referring them for special education. The same is true for students who present challenging behaviors that interfere with learning. In an attempt to provide this type of early help, many schools, school districts – and even some states – have established procedures for pre-referral interventions, which are designed to provide additional support to struggling students.

Your child's teacher may have discussed this kind of support with you. But if not, and if you suspect your child is struggling, you should ask to meet with the teacher to discuss your concerns. Frequently, in response to concerns expressed by either a teacher or a parent, the school will likely offer pre-referral interventions as a 'first step' toward improving your child's performance. As a parent, it is important that you understand just how pre-referral interventions might work.

Pre-referral services go by many names. Your school district or school may offer support teams, such as teacher assistance teams or child study teams, to help provide consultation to teachers. To help find the right approach to teaching your child – often called an instructional method or intervention – the teacher may consult with other teachers, the reading specialist/teacher, the special education teacher, counselors, psychologists, or other education professionals. They may

conduct informal educational and behavioral evaluations or screenings to make decisions about the services and supports your child needs.

Feel free to ask questions about the types of teaching methods or interventions the teacher is recommending so you understand how your child will be taught and what kind of progress is expected. You always have the right to request a formal evaluation (see Chapter 3) if you don't believe your child is making adequate progress through pre-referral approaches.

So, if your child is having trouble learning, it doesn't necessarily mean that he or she has a disability, such as a specific learning disability. A learning disability may be one possible source of the problem, but there may be others:

- The school's approach to teaching basic academic skills like reading may not be achieving adequate results for all students.
- Your child's previous learning may not have prepared him or her sufficiently for the lessons the teacher is presenting.
- Cultural and/or language differences might present a barrier to communication with the teacher or prevent access to the learning materials.
- Another condition, such as attention difficulties, poor hearing, or vision, may be affecting learning.

Here are a few different ways that the school may provide assistance to your child before a formal evaluation for special education programs is considered:

- **Early Intervening Services**
- **Reading First**
- **Response-to-Intervention** (this third process, strongly encouraged by IDEA 2004, is discussed in detail in Chapter 2)

Early Intervening Services

A new provision in IDEA 2004 – called Early Intervening Services – is designed to encourage school districts to provide additional support for struggling students within the general education classroom.

IDEA 2004 allows school districts the option of using a portion (up to 15%) of their federal special education funds to develop and implement coordinated Early Intervening Services for children in kindergarten through Grade 12 who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in general education. IDEA 2004 particularly encourages school districts to use this new option in kindergarten through Grade 3.

This money can be used for professional development (teacher training) as well as for providing direct services for your child. These services may include educational and behavioral evaluations, services and supports such as beginning and/or remedial reading instruction, interventions to address behavior, small group instruction, and instruction in the use of adaptive and instructional software (computer programs that improve the student's access to information or target specific academic skills). IDEA 2004 requires that the academic and instructional interventions used must be backed by scientifically-based evidence of their effectiveness.

When these supports are successful, both the school and the student can benefit. The school can save money on costly evaluations required to determine eligibility for special education as well as the additional costs associated with special education services. Typically, pre-referral interventions are provided in the student's regular classroom so they receive support aimed at helping him or her work at grade level. The goal is to help as many students as possible reach their potential in school without needing to be placed in special education programs.

Important note:
Don't confuse Early Intervening Services with "early intervention services" provided to children younger than school age under IDEA.

Over Identification

In some areas of the U.S., students of different cultural backgrounds are diagnosed as having disabilities more frequently than would be expected based on their share of the population. For example, African American children may be more frequently diagnosed as having a disability than white children. This concern with "over identification" is yet another reason that Early Intervening Services was added to IDEA 2004.

If a school district has been determined to have significant over identification (or "disproportionality") the district may be required to use IDEA funds for Early Intervening Services to provide pre-referral services to students showing academic and/or behavioral difficulties, and particularly for those children in ethnic groups that have been significantly over-identified as needing special education services.

Important note:

While Early Intervening Services are funded by IDEA, parents should understand that the Procedural Safeguards afforded to students and their parents under IDEA (described in Chapter 4: Procedural Safeguards) do not apply to students receiving Early Intervening Services because they are not currently eligible for formal services under IDEA, which is explained in Chapter 6: Eligibility Determination. However, some IDEA protections, such as those for students involved in school disciplinary actions, may apply. See Chapter 10: Student Discipline for additional information.

Reading First

Established by the latest version of the nation's largest federal education law, the Elementary and Secondary Education Act (ESEA), also known as No Child Left Behind (NCLB), Reading First is a program designed to establish reading programs for students in kindergarten through Grade 3 that are based on scientifically-based reading research.

The Reading First program provides funds for teacher training, reading screening and assessments, and instructional materials and strategies proven to prevent or remediate reading failure. The program is available to elementary schools with significantly high rates of reading failure.

While learning to read is a complex, multi-dimensional process, NCLB has helped de-mystify reading instruction by providing what research has determined are the "essential components of reading instruction. NEW These "essential components of reading instruction" have also been incorporated into the eligibility provisions of IDEA 2004. This will be discussed in more detail in Chapter 6: Eligibility Determination. Parents can now use the essential components of reading instruction to make sure that their child is getting reading instruction based on reading research. Use the **Reading Instruction Checklist** on page 76 to learn what your school's reading program should include.

There are several other provisions of No Child Left Behind that can be used to provide help for struggling learners. These provisions are explained in a companion guide entitled "**Making the 'No Child Left Behind Act' Work for Children Who Struggle to Learn: A Parent's Guide**" available at www.LD.org/NCLB

Final Word

From this chapter, you should understand that your school may already have pre-referral interventions in place to support struggling students. These services may be offered using IDEA funds, NCLB programs or a combination of the two. Regardless of how you and your child's school might go about finding ways to offer additional support and improve learning, it's important to understand that your school has both the incentive and funding available to serve your child. And remember, good communication between you and your child's school is critical to making your child a successful learner. Use the **Checklist for Home-School Communications** on page 78 to assist you.

In Chapter 2 you'll learn about another approach for providing early, research-based instructional interventions to struggling students. It is known as Response-to-Intervention.

IDEA Toolkit

Tools for Chapter 1

Reading Instruction Checklist (Page 76)

Checklist for Home-School Communications (Page 78)

2 Response-to-Intervention (RTI)

A new approach to helping students most at-risk for LD

Who is this for?

This chapter is for parents who know their child is struggling in school, but are unsure whether or not their child has a learning disability.

Why is this important?

The pre-referral services and programs outlined in Chapter 1 can provide helpful support for struggling students. This chapter describes Response-to-Intervention (RTI) – a comprehensive, multi-step process that closely monitors how students are responding to different types of services and instruction. RTI provides an improved process of pre-referral interventions.

What can parents do?

Parents can first find out if their school district uses an RTI process. If the answer is yes, then parents can learn more about RTI and ask key questions about how it will be used to help their child.

Words and terms to know

Response-to-Intervention (RTI): A comprehensive, multi-step process that closely monitors how the student is responding to different types of services and instruction.

Progress monitoring: A scientifically based practice used to assess students' academic performance and evaluate the effectiveness of instruction. Progress monitoring can be implemented with individual students or an entire class.

Curriculum based measurement (CBM): Tools for measuring student competency and progress in the basic skill areas of reading fluency, spelling, mathematics and written language.

Scientific, research-based instruction: Curriculum and educational interventions that are research based and have been proven to be effective for most students

Universal screening: A step taken by school personnel early in the school year to determine which students are "at risk" for not meeting grade level standards. Universal screening can be accomplished by reviewing a student's recent performance on state or district tests or by administering an academic screening to all students in a given grade. Students whose scores on the screening fall below a certain cut-off point are identified as needing continued progress monitoring and possibly more intensive interventions.

As you learned in Chapter 1: Pre-referral Services, provisions in both IDEA 2004 and No Child Left Behind are designed to encourage school districts to provide additional support for struggling students within general education. In this chapter you'll learn about a process known as **Response-to-Intervention** (or Responsiveness-to-Intervention)(RTI). IDEA 2004 encourages schools to begin using a process that determines if a student responds to a "scientific, research-based intervention" as a part of the evaluation procedures to determine which students may have a specific learning disability (SLD) and need special education.

NEW The growing interest in RTI is closely linked to another significant change made by IDEA 2004 – the elimination of the requirement for schools to determine that a student shows a "severe discrepancy" between intellectual ability and academic achievement in order to be identified as having an SLD.

Before IDEA 2004, a student could not be identified as having a specific learning disability unless a "discrepancy" was found in one or more of the following areas:

- oral expression
- listening comprehension
- written expression
- basic reading skill
- reading comprehension
- mathematics calculation
- mathematics reasoning

This "discrepancy" requirement, which has been part of federal special education regulations since 1977, has been under attack for some time. Critics charge that the "discrepancy" approach requires students to fail for long periods of time before they can be found eligible for special education services. Equally important is the growing evidence that the "discrepancy" requirement is particularly problematic for students living in poverty, students of culturally different backgrounds and those whose native language was not English.

Relaxing the "discrepancy" requirement, which has been so deeply embedded in the identification of a specific learning disability, should lead to improvements in identification practices and better results for students.

What is RTI?

The RTI process is a multi-tiered approach to providing services and interventions to students who struggle with learning at increasing levels of intensity based on progress monitoring and data analysis.

The RTI process has the potential to limit the amount of academic failure that any student experiences and to increase the accuracy of special education evaluations. This could also reduce the number of children who have been mistakenly identified as having learning disabilities when their learning problems are actually due to cultural differences or lack of adequate instruction. Information and data gathered by an RTI process can lead to earlier identification of children who have true disabilities and are in need of special education services.

RTI vs. Pre-referral Interventions

As discussed in Chapter 1, many schools, school districts – and even some states – have established procedures for pre-referral interventions, which are designed to provide additional support to struggling students prior to referral for special education evaluation. However, little research has been done on the effectiveness of this approach.

Essential Components of RTI

According to the National Research Center on Learning Disabilities (NRCLD) (www.nrcld.org), the essential components of RTI include:

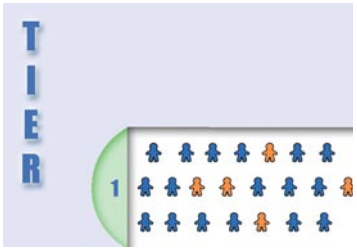
- Monitoring a student's progress in the general curriculum using appropriate screenings or tests (assessments)
- Choosing and implementing a scientifically proven intervention to deal with a student's learning problems
- Following formal guidelines to decide which students are not making sufficient progress or responding to the intervention
- Monitoring how the student responds to the intervention by using assessments at least once a week or once every two weeks
- Making sure the intervention is provided accurately and consistently
- Determining the level of support that a student needs in order to be successful
- Giving parents notice of a referral and a request to conduct a formal evaluation if a disability is suspected as required by IDEA

Pre-referral interventions have frequently been used without close monitoring or documentation of the student's progress. Monitoring and record keeping provide the critical information needed to make decisions about the student's future instruction. If monitoring and record keeping doesn't occur along with pre-referral strategies, the opportunity to make informed decisions about the student's future instruction and intervention needs is lost. Equally important, the adequacy of the instruction being delivered in the general education classroom where the student was experiencing learning difficulties has not usually been examined. Frequently, the instructional program being used in general education, such as the beginning reading program, is not scientifically based and does not have a high success rate for most children.

In contrast, successful implementation of RTI requires a number of essential components that ensure high-quality instruction, careful monitoring and documenting of progress and close collaboration between general education and special education.

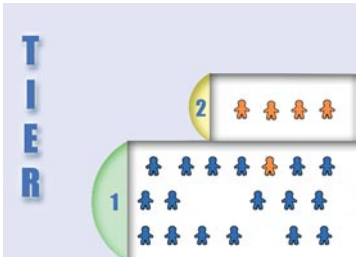
A three-tier RTI model includes:

- **Tier 1: Screening and Group Interventions**



Students who are "at-risk" are identified using universal screenings and/or results on state or district-wide tests and could include weekly progress monitoring of all students for a brief period. Identified students receive supplemental instruction, or interventions, generally delivered in small groups during the student's regular school day in the regular classroom. The length of time for this step can vary, but it generally should not exceed eight weeks. During that time, student progress is closely monitored using a validated screening system such as curriculum based measurement (see below). At the end of this period, students showing significant progress are generally returned to the regular classroom program. (Note: this step may be broken into 2 separate tiers in a 4-tier model) Students not showing adequate progress are moved to Tier 2.

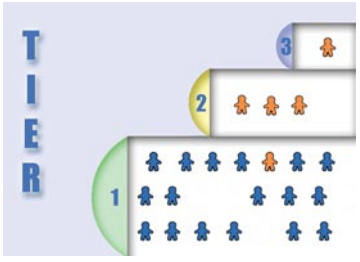
- **Tier 2: Targeted Interventions**



Students not making adequate progress in the regular classroom in Tier 1 are provided with more intensive services and interventions. These services are provided in addition to instruction in the general curriculum. These interventions are provided in small group settings. In the early grades (K-3) interventions are usually in the areas of reading and math. A longer period of time may be required for this tier, but it should generally not exceed a grading period. Students who continue to show too little progress at this level of intervention are then considered for more intensive interventions as part of Tier 3.

Depending on a school's particular model of RTI, parents may or may not be involved in Tier 2. Ideally, schools involve parents at the earliest stages of RTI by explaining the process in face-to-face meetings, providing written intervention plans and requesting parental consent.

- **Tier 3: Intensive Interventions and Comprehensive Evaluation**



Students receive individualized, intensive interventions that target the student's skill deficits. Students who do not respond to these targeted interventions are then considered for eligibility as required by the Individuals with Disabilities Education Act (IDEA) (see Chapters 5 and 6). The data collected during Tiers 1, 2 and 3 are included and used to make the eligibility decision. (Note: This part of the process may be broken into 2 separate tiers in a 4-tier model).

At any point in an RTI process, IDEA allows parents to request a formal evaluation to determine eligibility for special education. An RTI process cannot be used to deny or delay a formal evaluation for special education.

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Curriculum Based Measurement (CBM)

CBM is one way of tracking and recording a child's progress in specific learning areas. Using CBM, teachers regularly assess students' performance (e.g., each week) using very brief, simple tests. The results help teachers determine whether students are learning well from their instructional program. CBM results also provide the teacher with the information needed to tailor instruction for a particular student. CBM practices, supported by a great deal of research, are available in pre-reading, reading, spelling, mathematics and written expression for grades 1-6. Procedures have also been developed for kindergarten and middle school.

Written Intervention Plans

If your child's school is using an RTI process to address your child's difficulties, you should expect to receive a written intervention plan. This plan should include details about how the school is planning on helping your child. The written intervention plan should be fully explained to you and should include the following:

- A description of the specific intervention
- The length of time (such as the number of weeks) that will be allowed for the intervention to have a positive effect
- The number of minutes per day the intervention will be implemented (such as 30 to 45 minutes)
- The persons responsible for providing the intervention
- The location where the intervention will be provided
- The factors for judging whether the student is experiencing success
- A description of the progress monitoring strategy or approach, such as CBM, that will be used
- A progress monitoring schedule

The instructional interventions used as part of an RTI process should provide targeted assistance based on progress monitoring, be delivered by a highly qualified classroom teacher or another specialist and provide additional instruction on an individual or small group basis (with or without technology assistance).

The following practices are not appropriate instructional interventions and should not be part of an RTI intervention plan:

- Special or re-assigned seating in the classroom
- Shortened assignments
- Communications with the parent about the child at regular parent-teacher conferences or other informal communications
- Classroom observations
- Suspension
- Retention
- More of the same/general classroom instruction and/or assignments

As school districts work to improve the process of identifying students who have a specific learning disability and need special education services, parents need to understand the components essential to the appropriate implementation of RTI. Use the **Ten Questions to Ask about response-to-Intervention (RTI)** on page 79 to help guide you through the process.

IDEA Toolkit

Tools for Chapter 2

Ten Questions to Ask About RTI (page 79)

3 Referral or Request for Evaluation

Taking the first step toward special education

Who is this for?

This chapter is for parents who are considering asking for a formal evaluation of their child (testing to determine if the child has a disability) or who have received a request from the school to have their child evaluated.

Why is this important?

In order for a child to receive special education services, he or she must first be evaluated. A referral from the school or a request for formal evaluation from a parent sets into motion a host of legal obligations and procedures required by IDEA. This chapter outlines what will happen when either a parent or school district requests an evaluation. It is important for parents to understand their rights and options during this process. If an evaluation is conducted by the school, there is no cost to the parent.

What can parents do?

Parents can be prepared to participate in the referral and evaluation process. An important first step is learning how to organize concerns by keeping detailed records and then sharing relevant information during formal communication with the school. Parents can also learn more about the common signs of learning disabilities.

Words and terms to know

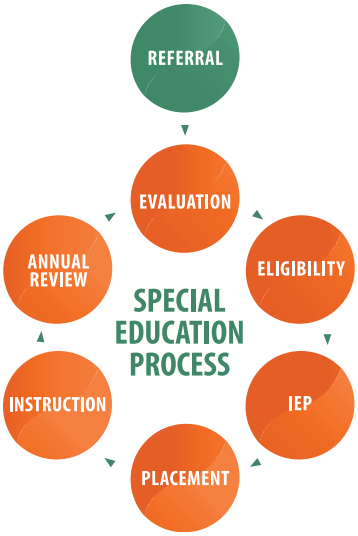
Child find: Ongoing activities undertaken by states and local school districts to locate, identify, and evaluate all children residing in the state who are suspected of having disabilities so that a free appropriate public education (FAPE) can be made available to all eligible children, including all children in public and private schools, including religious schools.

Free Appropriate Public Education (FAPE): Special education and related services that are provided at public expense, under public supervision and direction, and without charge to the parent, and that meet the standards of the state education department. Special education and related services must be provided in conformity with an Individualized Education Program (IEP) as required by IDEA.

Informed consent: Procedure to ensure that the parent:

- Has been fully informed of all information related to the proposed activity (in his native language, or other mode of communication)
- Understands and agrees in writing to carrying out the activity for which his consent is sought
- Understands that giving consent is voluntary and may be revoked at any time
- Understands that revoking consent will not apply to an activity that has already occurred

Informed consent is required for an evaluation, a reevaluation and for the initial delivery of special education services.



In Chapter 1: Pre-referral Services you learned about a variety of possibilities to help address your child's learning problems before a referral is made for special education evaluation. Chapter 2: Response-to-Intervention introduced a process intended to improve both pre-referral services and determining individual student needs. This chapter describes the process of formally referring students for special education evaluation.

The first step in the special education process is the **referral** (or request) for an evaluation of a student.

NEW IDEA 2004 clearly establishes that either a **child's parent** or **school district** can initiate a request for an evaluation to determine if a student is a child with a disability and needs special education.

Making a request for a formal evaluation does not give the school district your permission to begin special education services. If the results of the evaluation indicate that your child needs special education, you and your school will develop an educational plan tailored to your child's specific needs. At that point, you must provide consent for any special education services to begin.

A **referral for evaluation** sets into motion a host of legal obligations and procedures that are complex – even daunting – for parents. Understanding special education procedures will enable you to act in the best interest of your child during each phase of the process.

No matter who requests the evaluation, it is conducted at no cost to the parents, and parents are an essential part of the process.

Private Evaluations At Private Expense

Parents can and often do choose to have their child evaluated privately, as opposed to asking the school to do an evaluation. If you choose to obtain a private evaluation, the school is not responsible for the cost of the evaluation. You can decide whether or not to share the results of a private evaluation with your child's school.

Requests by the Parent

If your child is experiencing academic problems at school, you may suspect your child has a disability such as a specific learning disability and needs additional help available only through special education programs and services.

Research has provided the basis for a reliable list of "warning signs" which may strongly suggest the presence of a learning disability. The signs will differ depending on the age of the child. Use the **Learning Disabilities Checklist** on page 80 to determine if your child is showing significant signs on an ongoing basis.

If you haven't already started keeping careful records about your child's educational experiences, now is the time. Information about your child's school experience, evaluation results, meetings with teachers, counselors, specialists, administrators and any decisions made regarding your child's education will be critical to your child's case and to making the decisions that will most benefit your child. It can be helpful to keep records in chronological order. Review the **Types of Records a Parent Should Keep** on page 85 to help you set up your records.

You can begin the process of special education evaluation at any time. However, it may be wise to do some homework before formally requesting an evaluation of your child.

Consider these pre-referral activities:

- **Talk to the Teacher.** If you haven't already met with your child's teacher to discuss your concerns, consider this as a first step.

- **Learn about Special Education Services.** Talk to your school's principal about the special education services available at your child's school. Inquire about the training and qualifications of special education teachers and the instructional approaches they use to work with students identified with learning disabilities so you know about the qualifications of the personnel in your school. Finally, ask about the evaluation and eligibility process in your school district and get any printed information available for parents.

- **Contact Your PTI.** Get in touch with the Parent Training and Information Center (PTI) in your state. Each state has at least one PTI, supported by funding from the U.S. Department of Education. Your PTI can help you understand the particular "ins and outs" of special education in your state. Ask for any printed information that will help you understand the process. Go to www.LD.org/PTIlocator to find your state's PTI.

Once you decide to make a **formal request** for evaluation, it is up to you to contact your school district and explain your concerns. Always make your request **in writing,** and clearly present the reasons for your concern.

In your **written request,** describe and be prepared to provide specific examples of the problems your child is having. Items such as work samples, handwriting samples, assessment records, etc. should be used to provide background and evidence of your concerns. It may be helpful to organize your thoughts and concerns using the **Worksheet for Organizing Your Concerns about School-Related Problems** located on page 86.

Use the **Sample Letter Requesting Evaluation** on page 89 to create your letter to your child's school requesting an evaluation for special education.

When the school district gets your request, the district will need to decide whether or not to evaluate your child. They need to determine if your child shows evidence of a suspected disability and whether or not there is sufficient evidence to call for an evaluation.

You should receive a written confirmation of your request from the school district, along with a copy of your **Procedural Safeguards**, a document which describes your legal rights and protections under IDEA. The information required in the **Procedural Safeguards** notice is presented in Chapter 4: Procedural Safeguards.

Important note: In many cases, schools and school districts will have "pre-referral intervention" processes they will want to use – or possibly are required to use – prior to formal special education evaluation. Some of these options were discussed in Chapter 1: Pre-referral Services and Chapter 2: Response-to-Intervention.

If the school determines that your child should be evaluated for potential special education eligibility, the district must request your informed consent, or permission, to proceed with the evaluation.

If the school decides that there is not enough evidence of a "suspected disability" and, therefore, denies your request for an evaluation, the school must provide you with a written notice of its decision. Known as Prior Written Notice, this notice must include:

- A description of the action proposed or refused by the district
- An explanation of why the district proposes or refuses to take the action and a description of all student information used as a basis for the decision
- A statement that the parents have protection under the Procedural Safeguards (as described in Chapter 4: Procedural Safeguards)

- Sources for parents to contact or to obtain assistance in understanding the various provisions of their rights under IDEA
- A description of other options considered and the reason why those options were rejected
- A description of the factors that impacted the district's proposal or refusal

At that point, you may go forward with your right to challenge the district's decision. Options to resolve disputes between parents and schools under IDEA are covered in Chapter 11: Dispute Resolution Options.

NEW A Word About Medication

IDEA 2004 establishes a new requirement that each state must have a policy that prohibits school districts from requiring a child to be taking medication, such as those frequently prescribed for children with attentional disorders such as Attention Deficit Hyperactivity Disorder (ADHD), as a condition of attending school, receiving an evaluation, or receiving services under IDEA. While ADD/ADHD is not a learning disability, some students may have both ADD/ADHD and LD.

Requests by the School District

As part of their responsibilities under IDEA, school districts are required to **identify**, **locate** and **evaluate** all children who may be in need of special education in their district. Activities related to this duty are called "Child find" under IDEA.

NEW This "Child find" obligation includes students who are **homeless** or are **wards of the state** (such as a foster child or a child in the custody of a public child welfare agency) and students **attending private schools** (see Chapter 9: Private School Students), as clarified by IDEA 2004.

When a school district proposes to conduct an initial evaluation of a child to determine his or her eligibility for IDEA services, it must notify the parent in writing and request the parent's informed consent for the evaluation to proceed.

If the parent chooses to refuse to provide consent for the initial evaluation or does not respond to the request to provide consent for the initial evaluation of a child attending public school, the school district may pursue the initial evaluation by using the dispute resolution procedures described in Chapter 11: Dispute Resolution Options.

In the next chapter you'll learn about your Procedural Safeguards, which spell out the rights of children with disabilities and their parents.

IDEA Toolkit

Tools for Chapter 2

- Learning Disabilities Checklist (Page 80)
- Types of Records a Parent Should Keep (Page 85)
- Sample Letter Requesting Evaluation (Page 89)
- Organzing Your Concerns Chart (Page 86)

4 Procedural Safeguards

Understanding and excercising your legal rights

Who is this for?

This chapter is for parents who have officially requested that the school district evaluate their child for the presence of a disability – and for parents who have already given the district permission to do so.

Why is this important?

Once it has been established that a child will be evaluated, the school is required by law to give parents a copy of the "Procedural Safeguards Notice." This written document tells parents what legal rights they have in order to make sure that their child receives the services that he or she needs. When parents understand these rights, they can take action when necessary to ensure that the special education process is working in the best interests of their child.

What can parents do?

Parents can contact the Parent Training and Information Center (PTI) in their state for a more detailed explanation of the Procedural Safeguards Notice.

Words and terms to know

Parent: A natural, adoptive or foster parent; an individual acting in the place of a natural or adoptive parent; an individual who is legally responsible for the child; a guardian; or a surrogate parent.

Prior Written Notice: A written notice that the school must provide to the parents of a student with a disability within a reasonable time if they wish to:

- Evaluate the student
- Determine whether the student is eligible for special education services
- Change the student's evaluation or educational placement or educational plan (IEP)
- Refuse the parents' request to evaluate their child or change their child's educational plan (IEP) or placement.

In the last chapter you learned about the process involved in making a formal request for an evaluation of your child. That request, once made, triggers a requirement for your school district to provide you with a copy of a notice known as the **Procedural Safeguards Notice** – a formal document that describes the rights and protections of both you and your child.

The federal IDEA law promotes parents' involvement in the education of their child, and it incorporates parents' and children's rights as well as certain protections for these rights. These protections are embedded in the procedures that states are required to follow as they evaluate students and provide special education services. Collectively, these protections are called **procedural safeguards**.

Since state laws also govern special education services, procedural safeguards notices may be different across states and school districts. However, all procedural safeguards notices must include the safeguards of parents' and students' rights that are required by IDEA (see table below).

NEW The **Procedural Safeguards Notice**, containing all of the information required by IDEA, must be provided to parents at very specific points along the way. IDEA 2004 changed the points at which the school must provide parents with the Procedural Safeguards Notice and reduced the number of times a parent must get the notice. However, parents may request a copy of the Procedural Safeguards Notice at any time. (Many states place a copy of the procedural safegaurds notice on its Internet Web site.)

Schools must provide a copy of the **Procedural Safeguards Notice:**

- Upon initial referral or parental request for evaluation
- Once each school year (for students eligible for IDEA services)
- When parents first file a complaint (either a state complaint or due process complaint)
- When the student is removed from his or her current educational placement because of a violation of a code of conduct
- Upon request by the parent.

The Procedural Safeguards Notice must be written in the native language of the parents (unless it is clearly not feasible to do so) and it must be written in a way that is easy to understand.

The Procedural Safeguards Notice must contain information about …	Which means that …
parents' rights to obtain independent educational evaluations (IEE)* (*An IEE at public expense may be requested whenever a parent disagrees with an evaluation that has been conducted by the school. Parents are entitled to only one IEE each time the school conducts an evaluation)	You have the right to have your child evaluated by professionals from outside the school district if you disagree with an evaluation that has been conducted by the school district. The school district is required to allow outside evaluations but is not required to accept the results. Generally, you must pay for this evaluation; however, if it is determined that the school district's prior evaluation was inappropriate, you will be reimbursed for the cost of the evaluation. (Be sure to learn about your state or district policy regarding IEE.)
parents' rights to receive prior written notice any time the school district plans to evaluate the student, schedules a meeting where decisions will be made about the student's eligibility or educational placement or refuses to evaluate or change the student's plan or placement.	The school district is required to notify you beforehand if they wish to: • Evaluate your child • Determine whether your child is eligible for special education services • Change your child's evaluation or educational placement or plan. If you request evaluations and changes in your child's educational plan or placement, and if the school district refuses, they must give you prior written notice that explains their decision.
parents' rights to consent to evaluations and to the school providing special education services	The school district must obtain your written, informed consent before they can evaluate your child or begin to provide special education services to your child (following initial evaluation and eligibility). Their request for your consent must include specific information about the proposed activity and it must be presented in a way that is understandable to you. Until you give them your written consent, they are not required to provide special education services. You may consent to all or some of the services offered by the school. If there are some services you do not want your child to have, the school district must still provide the services to which you do consent.

The Procedural Safeguards Notice must contain information about …	Which means that …
parents' rights to have access to their child's educational records	You have the right to see your child's educational records, to have copies and to have the records explained to you by school officials. If the records contain inaccurate or misleading information, you may ask that they be changed or make a written request for a hearing to challenge the information. School districts may release your child's records without your consent to other school officials or teachers who have legitimate educational interests in your child. They may also release records without consent in health or safety emergencies. If your child transfers to another district, the school district may release the records if you are informed that the records will be forwarded and have a chance to request the records and challenge any misinformation.
parents' rights to present and resolve a complaint through the due process complaint and state complaint process, including: • The time period parents have in which to make a complaint • How the school district or state may resolve the complaint • The difference between the due process and state complaint procedures • The availability of mediation services • The student's educational placement while the complaint is being resolved.	You must present complaints within two years of the alleged action (or within the period specified by your state's law). Note: In this context, a "complaint" is a legal document that states a plaintiff's case against a defendant. Procedures for resolving parents' complaints against school districts include: • Mediation • Resolution meetings • Due process hearings • Appeals to state or federal courts. While your complaint is being resolved, your child will remain in his or her present educational placement unless you and the school district agree otherwise, or if other circumstances apply. (See Chapter 11 for details.) Each state must also have a state complaint procedure that individuals or organizations may use to file complaints against a school district or districts. (See Chapter 11 for details.)
students' rights regarding the process to determine if they can be placed in an interim alternative educational setting	If your child possesses or attempts to sell a weapon or illegal drugs, or inflicts serious bodily harm on another person at school, on school grounds or at a school function, the school district may place your child in an interim alternative educational setting (IAES), such as an alternative school, for up to 45 school days, without your written consent, whether your child has a disability or not. (See Chapter 11 for details.)
parents' rights regarding unilateral placement in private schools at public expense	If you choose to place your child in a private school without the consent of the school district, the district is not required to pay for the cost of the private school. However, if your child previously received special education from the school district, and it is determined through legal procedures that these services were inappropriate, then the district may be ordered to pay for the private school. (See Chapter 9 for details.)

The Procedural Safeguards Notice must contain information about …	Which means that …

parents' rights in due process hearings	Both you and the school district have the right to request a due process hearing to resolve a dispute. A due process hearing is a formal legal procedure before an impartial hearing officer or administrative law judge.
	
	You may request a due process hearing regarding any proposal or refusal of the school district to:
	• Initiate or change the identification of your child
	  • Evaluate your child
	  • Educational placement of your child
	  • Provide a free, appropriate, public education to your child. (See Chapter 11 for details.)

parents' rights to state-level appeals of decisions made in due process hearings (if applicable in that state)	Some states have a complaint procedure that allows you to file an appeal with the state department of education if you are dissatisfied with the outcome of a due process hearing. These procedures are available through your state education department or Parent Training and Information Center.
parents' rights to bring civil actions against the school district or state, including the time period in which to file such actions	If dissatisfied with the results of a due process hearing, you may file a civil suit against the state or school district within 30 days of a due process hearing. (See Chapter 11 for details.)
parents' rights to reimbursement of attorneys' fees under specific circumstances	When a due process hearing or civil suit results in a judgment that the school district did not provide appropriate services, the judge or hearing officer may order that attorneys' fees paid by the parents be reimbursed by the school district if the fees are not excessive. (See Chapter 11 for details.)

While these safeguards are complex and can be confusing, it is important when beginning the special education process to know and understand each of these provisions. These are powerful rights that protect your child's right to a free, appropriate public education in the least restrictive environment and they should be fully considered and exercised by you. You are the best advocate for your child when you actively participate in the special education process.

Remember, details of these safeguards will vary from state to state, so it's a good idea to contact your state's Parent Training and Information Center for assistance in fully understanding your state's Procedural Safeguards Notice. The U.S. Department of Education has a model Procedural Safeguards Notice available on its Web site at www.idea.ed.gov.

In the next chapter you'll learn about the formal evaluation process that must be conducted in order to determine eligibility for special education services under IDEA.

Parent. Perspectives

Those Three Words: Prior Written Notice

My name is Alex, and I am the father of twin second graders, Holly and Josh, who attend elementary school in Delaware. Holly and Josh were born 12 weeks premature. Their pre-maturity resulted in both children having hydrocephalous as well as various learning disabilities. I have participated in IEP meetings for five years starting when Holly and Josh were three years old.

At each IEP meeting I was given a small booklet that described a parent's procedural safeguards under IDEA. To be honest, I never actually read through it. I always trusted school staff and assumed that the teachers and therapists would do all they could to meet my children's specific needs. The district staff never took the time to go over the procedural safeguards document with me and I never realized exactly how important knowing your rights could be.

Then, at my last IEP meeting, I was told that my daughter Holly had only made one month of progress in reading during the previous twelve months time and that she was falling farther and farther behind.

During her IEP meeting I asked for some additional intervention from the school reading specialist, but was told the reading specialist was already seeing too many children and did not have any additional time available to spend with my daughter. The school staff told me that Holly would just have to make due with the small group instruction she was getting in the special ed classroom.

I really didn't know what to say. Luckily I talked to other parents and they recommended that I attend a seminar sponsored by our district's special needs PTA. A representative from our state's Parent Information Center was there as well as two attorneys who explained, step by step, all of the parent rights described in that little book that I had previously never read. It was there that I learned the three most important words that a parent of a child with disabilities needs to know: "Prior Written Notice." I had heard district staff use this term once in a while, and thought that it only meant that the district had to give you 10 days notice before scheduling an IEP meeting. It actually means a whole lot more.

At the special needs PTA meeting I learned that Prior Written Notice means that when a school district adds, changes, or denies educational services to your child, they must explain to the parent in writing why the services are being added, changed, or denied. If the school district is denying your services, they most likely will not provide you prior written notice voluntarily – you will have to ask them to do it.

I have found that my state's Parent Training and Information Center and our District's Special Needs PTA can be extremely valuable resources. In my situation, the school district took our concerns more seriously when we requested them to give us Prior Written Notice concerning why my request for time with the reading specialist was being denied.

The district ended up re-evaluating her reading skills and assigned a reading specialist to coach her teacher on how to better teach to my daughter. It's not exactly what I wanted, but it's a start. I'm hopeful that the district will agree with me and get my daughter the additional help she needs. In the meantime, we are using a private tutoring service to supplement her instruction.

I'm sure my story isn't all that unique but I can't emphasize enough how important it is to know your rights under IDEA – especially those three words: Prior Written Notice. They can make some powerful things happen for you that might change the outcome for your child. Hang in there – you are not alone.

Sincerely,

Alex from Delaware

5 Evaluation

Learning more about your child

Who is this for?

This chapter is for the parents of students who have been referred for a formal evaluation as prescribed by IDEA, and for parents of students already eligible for special education services who are referred for a reevaluation.

Why is this important?

IDEA contains very specific requirements for a student evaluation. Parents need to understand all aspects of the evaluation process in order to be full participants in all decisions involving their child. The evaluation results will be used to make important decisions about their child's educational future.

What can parents do?

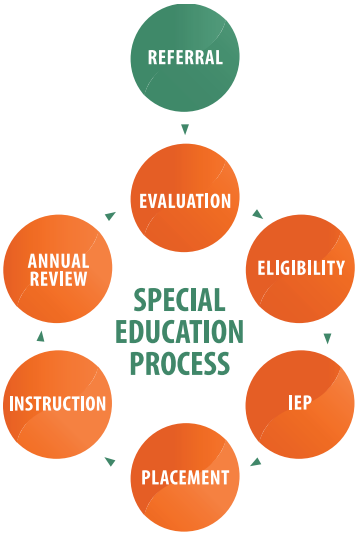
Parents can and should actively participate in planning for their child's evaluation. They need to understand the school's proposed evaluation plan and ensure that a comprehensive evaluation is conducted. Parents may find it helpful to use the **Questions to Ask About Evaluation Plans** on page 90.

Words and terms to know

Child with a disability: A child who has a disability as defined in one of the 13 disability categories in IDEA and who needs special education and related services because of the disability; or a child aged 3 through 9 who is experiencing developmental delays.

Initial Evaluation

In previous chapters you've learned about several steps that lead up to a formal student evaluation, including Pre-referral Services, Response-to-Intervention, Referral or Request for Evaluation and Procedural Safeguards. This chapter will provide you with an overview of the initial evaluation and reevaluation processes.



At this stage of the special education process, both the parent and the school district have agreed to conduct a formal student evaluation. The student's parents have received their Procedural Safeguards Notice and have provided informed consent, or permission, for the evaluation to proceed.

By providing consent for an initial evaluation, you are not giving permission for your child to receive special education services. You are only consenting to the evaluation process. If your child is found eligible for special education services, you will be required to provide informed consent for the services before they can begin.

An initial evaluation is conducted to provide information that will be used to determine if your child is a child with a disability as defined by IDEA, and, because of that disability, needs special education and related services. The evaluation process includes a variety of tests to measure your child's cognitive ability, academic skills, language skills, and social and emotional status. Evaluations may include reports written about your child that include observations of your child in the classroom and other school settings, and

standardized tests. If your child is found eligible for special education under IDEA, the evaluation information will also be used to develop his or her Individualized Education Program (IEP), which will be discussed in Chapter 7: Individualized Education Programs.

Timeline for Initial Evaluation. Many states have established specific timeframes in which a student evaluation must be completed once you provide informed parental consent. You need to know your state's timeline for evaluation – including whether the timeline is in calendar days or schools days. Mark your calendar on the date your child's evaluation begins and when it should be complete.

NEW If you live in a state that does not have an established timeline for completing an evaluation, IDEA 2004 requires that the evaluation be conducted within 60 calendar days of receiving parental consent. Exceptions to this timeframe apply if the parent does not make the child available for evaluation, or if the student transfers to another school district.

NEW Schools routinely perform screenings and other informal assessments to all students to assist with their instructional programs. IDEA 2004 makes it clear that screenings administered by a teacher or other specialist for the purpose of determining instructional strategies are not to be considered as an evaluation for special education. Parental consent is not required for school-wide assessments or screenings unless consent is required for all students.

Evaluation Notice

The school district will provide you with an Evaluation Notice, or evaluation plan, that describes any tests the school proposes to conduct during the evaluation. Since IDEA contains a number of legal requirements for conducting evaluations, you should be sure that the process outlined and types of tests described in the evaluation notice reflect these requirements, are broad enough to provide a complete picture of your child, take into consideration the concerns you have raised in your communications with the school, and will provide the information needed to design your child's educational program. Refer to the **Worksheet for Organizing Your Concerns about School-Related Problems** on page 86 to assist in your review of the proposed evaluation plan.

This is the beginning of your full and equal participation in the special education process – participation that is very important to your child's school success. While the terms and jargon used in the world of educational and psychological testing can be confusing and intimidating, make time to learn about the various tests the school district proposes in the evaluation plan.

Ask to meet with the evaluator or the school's special education administrator to discuss the tests that are proposed, what they measure, and when and how they will be administered. While providing parents with an opportunity to meet and discuss the proposed evaluation process isn't required by IDEA, it's a good way for you to gain a full understanding of what is being proposed and how the results will help everyone make informed decisions about services and supports that might be appropriate. Ask for any resources that might help further your understanding, and take the opportunity to visit the library or do an online search. Use the **Questions to Ask About Evaluation Plans** on page 90 to help you decide if the proposed plan is right for your child and to improve your understanding of the plan.

Evaluations vs. Assessments

The No Child Left Behind Act (NCLB) requires all states to administer statewide assessments of reading/language arts and mathematics in grades 3 through 8 and once between grades 10 and 12. Many states have additional state or district-wide assessments that are administered to all students to measure their academic performance against the state's academic standards. Several states have tests that students must pass to earn a standard high school diploma or to be promoted to the next grade.

A student's performance on these state or district assessments can provide helpful information about the student's rate of progress and academic achievement as compared to his or her peers in the same grade. However, such assessments do not provide the comprehensive, individualized information required by IDEA in order to make a determination for special education eligibility. That comprehensive, individualized information comes from a formal evaluation.

IDEA requires that the school must review evaluations and information provided by parents. The information you provide as part of the evaluation process is extremely important. Also, you may be asked to conduct parts of the evaluation yourself, such as filling out checklists and reporting observations of your child.

Requirements for Evaluation

According to IDEA, your school district must conduct an evaluation that:

- Uses a variety of different tests (assessments), procedures, tools and strategies to gather relevant functional, developmental and academic information (including information provided by the parent); this information may be used to help decide whether your child has a disability, and it can help when developing your child's Individualized Education Program (IEP)
- Ensures that your child is evaluated in all areas in which a disability is suspected
- Does not use any single measure or test as the sole basis for deciding whether your child has a disability, or for developing an appropriate educational program for your child
- Uses evaluation tools and strategies that provide relevant information that directly support decisions about the educational needs of your child
- Uses technically sound testing instruments to determine the roles that cognitive and behavioral factors, in addition to physical or developmental factors, are playing in your child's difficulties. These testing instruments must be:
  - Selected and administered so they do not discriminate on a racial or cultural basis
  - Used for purposes for which the assessments or measures are proven to be valid and reliable
  - Administered by trained and knowledgeable personnel
  - Administered according to the specific instructions provided by the producer of the assessments.

NEW Additional requirements for evaluations were added in IDEA 2004. Now assessments must be provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally. For example, the assessments should be administered in Spanish, or Braille, or sign language, if that's the student's usual mode of communication.

In addition to the results of the evaluation procedures conducted as required above, an initial evaluation must also include any existing data on your child, such as:

- Information and data collected during pre-referral interventions or a response-to-intervention process (as described in Chapter 1 and Chapter 2)
- Evaluations and information provided by the parents
- Current classroom-based, local or state assessment results
- Observations by teachers, school psychologists and related service providers (such as speech-language pathologists, occupational therapists and physical therapists).

Examples of information that parents can provide from their records

- Prior teacher and parent reports
- Information from parents' research about their child's disability
- Results of private screening or testing (paid for by parents or private insurance)
- Information from private tutors and therapists
- Letters from a family doctor
- School reports
- Samples of school performance

Evaluation and Response-to-Intervention (RTI)

As noted in Chapter 2: Response-to-Intervention, the data collected during RTI are included as part of the evaluation results and are used to make eligibility decisions. However, IDEA requires multiple sources of data and does not allow any single measure or assessment to be used as the sole criterion for determining whether your child has a disability or for determining an appropriate educational program for your child.

A school district may propose to use an RTI process while conducting an evaluation (as required by IDEA) of your child. Together, RTI and formal evaluation provide information about your child's academic skills, rate of learning and the underlying reasons for his or her learning difficulties.

You are free to request a formal evaluation at any time. School district policies regarding RTI should not be used to delay or deny your request for evaluation.

Private Evaluations at Private Expense

You are free to have your child evaluated privately at your own expense at any time. If you have had any private testing conducted on your child at your own expense or through private insurance, you should provide the results to the school at this stage. To ensure reliable results, it is important that your child not be administered the same test within a short period of time. Making the school aware of private testing results is important if the school district is to construct an appropriate evaluation plan.

Before scheduling a private evaluation, you should carefully review the credentials of the evaluator. Make sure that:

- The individual who conducts the evaluation meets state requirements (e.g., holds a state license)
- The evaluator will provide a very detailed written report that may include recommendations for support and/or services that will address your child's needs
- The evaluator will provide you with a full explanation of the findings so you can explain and support them while discussing the report with the school
- The school district generally accepts evaluations from this individual
- The evaluator is willing to attend school meetings to explain results and the reasons for recommendations.

Finalizing Plans for Evaluation

After you review the school district's proposed Evaluation Notice, meet with a school representative, review the evaluation requirements above, and share any private testing results, you'll need to reach agreement on the proposed evaluation plan.

As the parent, you are free to object to certain tests or assessments and/or to request that additional tests or assessments be added to the plan. If you reject the plan, you will need to work with the school district to develop a plan that is more appropriate for your child and addresses your concerns. If the school district does not agree to your changes, you have the right to refuse your consent or to use the dispute resolution options described in Chapter 11: Dispute Resolution Options. Likewise, if the district feels the original plan was appropriate, it can choose to utilize available dispute resolution options.

Remember that the evaluation results will be used to make important decisions about your child's education. Also remember that, as specified in your Procedural Safeguards Notice described in Chapter 4, you have the right to an outside or independent educational evaluation (IEE) if you disagree with the results of the district's evaluation.

Once you and the school district have agreed on the evaluation plan and all of its components, the evaluation will be completed by school personnel.

Evaluation Report

The school district is required by IDEA to provide you with a copy of the evaluation report; however, they are not required to provide it before the meeting to determine your child's eligibility for special education. You should request a copy of the full evaluation report before any meeting so that you'll have time to prepare your questions and recommendations. You will need to make a request, in writing, stating your expectation to receive a report prior to any meetings. Use the **Sample Letter** on page 91 to make a written request for a copy of the evaluation report.

You can also request to meet with the evaluator – or case manager – at your child's school to get a complete review of the results. Again, this type of meeting is not required by IDEA, but it can go a long way toward helping you decipher complex test results.

The next step in the special education process, following the completion of an initial evaluation, is Eligibility Determination, which is covered in Chapter 6.

Reevaluations

For students who have been found eligible for special education and have an IEP, IDEA lays out certain requirements and conditions for reevaluations to establish that the child continues to need special education support and services. In all circumstances, the school must obtain informed consent from the parent to conduct a reevaluation. As with the initial evaluation, if the parent chooses to refuse to provide consent for reevaluation or does not respond to the request to provide consent for the reevaluation of a child attending public school, the school district may pursue the evaluation by using the dispute resolution procedures described in Chapter 11: Dispute Resolution Options.

NEW While reevaluations are required at least once every three years to determine the continuing need for special education, IDEA 2004 clarifies that the child's parents and the school district can override this requirement if they both agree that a reevaluation is not necessary to establish continued eligibility for special education.

NEW Reevaluations cannot be conducted more frequently than once a year, unless both the parent and the school district agree that it is necessary.

A reevaluation must be conducted if requested by the child's parent.

NEW Reevaluations are also required in order to determine if special education and related services are no longer needed. A reevaluation is not required when a student graduates with a regular diploma or reaches the maximum age for receiving special education services as set by the state (turning 22 years of age in most states). In these cases, the school district must provide a summary of the student's academic and functional performance and provide recommendations for helping the student meet his or her goals after high school. The "summary of performance" is discussed in Chapter 8: Transition.

If your child transfers while being evaluated

NEW Generally, an evaluation of your child must be completed in accordance with your state's timeline or, if your state has no timeline, within 60 days from the time you consent to an evaluation. However, if your child transfers to another school district while the evaluation is underway, the timeline can be changed if you and the new district agree to a specific time when the evaluation will be completed. When agreeing to a change in the timeline, you should feel that the new district is making sufficient progress in completing the evaluation.

IDEA Toolkit

Tools for Chapter 5

Questions to Ask About Evaluation Plans (Page 90)

Sample Letter Requesting Evaluation Report (Page 91)

6 Eligibility Determination

Determining your child's need for special education

Who is this for?

This chapter is for parents whose child has already been formally evaluated for special education services. It covers the procedures for making a decision about whether the student, based on the information gathered through the evaluation process, is eligible to receive special education services as required by IDEA.

Why is this important?

Determining eligibility for special education involves a number of important considerations. For students suspected of having a Specific Learning Disability (SLD), IDEA requires that schools use several procedures that are in addition to the eligibility determination procedures used for all students suspected of a disability.

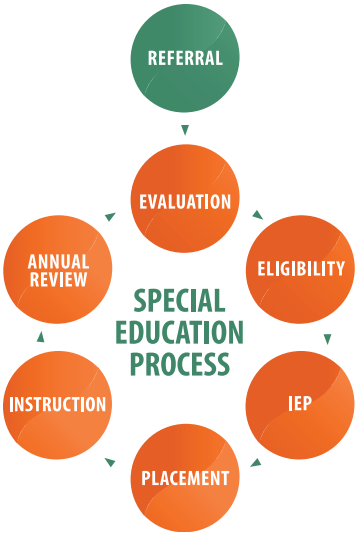
What can parents do?

For parents, the process to determine eligibility for an SLD can be confusing, especially since IDEA 2004 made significant changes to this process. Parents need to understand how their child's school will go about deciding whether their child has a specific learning disability that requires special education services. Parents should be prepared to discuss their child's evaluation results and provide information that will assist with the eligibility decision.

Words and terms to know

Child with a disability: A child who has a disability as defined by one of the 13 disability categories in IDEA and who needs special education and related services because of the disability; or a child aged three through nine who is experiencing developmental delay.

Eligibility: The determination that a student is a child with a disability as defined by IDEA.



In the last chapter you learned about IDEA's requirements for a formal evaluation. The evaluation process gathered information needed to determine if your child has a disability and needs special education services. In this chapter you'll learn about the eligibility determination process – both the general eligibility determination provisions of IDEA as well as additional procedures that are required when making a decision about whether your child qualifies for services under the Specific Learning Disability category of IDEA.

Your child may be determined to be a child with a disability based on any of the 13 disability categories in IDEA, including the Specific Learning Disability category.

To be found eligible for special education on the basis of a Specific Learning Disability, your child will need to meet the requirements established by IDEA as well as any state requirements.

While the definition of Specific Learning Disability was not changed in IDEA 2004 from previous versions of the law, IDEA 2004 introduced substantial changes to the ways in which school districts can go about the SLD eligibility procedure. (Note: Many states have their own definition of a Specific Learning Disability, so be sure to check with your school district to get additional information on your state's SLD definition.)

Eligibility Determination Meeting

Once the school district has completed the evaluation of your child, it must schedule a meeting to determine eligibility. This meeting, known as an initial IEP (Individualized Education Program) meeting, an eligibility meeting or some other term used by your state, must be scheduled for a time that is convenient for both you and school staff. (If the proposed time isn't convenient for you, feel free to ask for a more convenient time.) The eligibility decision must be made by a team of qualified professionals and by the parent of the student. Use the **Questions to Ask about Your Child's Eligibility Determination** on page 92 to prepare for the eligibility determination meeting.

NEW Meetings do not have to be face-to-face. IDEA 2004 allows for alternative ways of meeting, such as through telephone conference calls or video conferences. If you are unable to attend a meeting at the proposed time, ask about these alternatives.

Who attends the meeting? You will receive a written notice about this meeting which will include the school staff members who will be attending. As the child's parent, you have the right to bring other individuals to the meeting. However, IDEA states that these other individuals must have knowledge or special expertise regarding your child. Individuals appropriate to bring with you to an eligibility meeting might include educational advocates, private evaluators, private tutors and/or other professionals who have experience with your child. Bringing individuals with

IDEA 2004 defines Specific Learning Disability as:

"A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written. The disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

The term Specific Learning Disability includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage."

knowledge of your child and the special education process can provide you with additional support during the eligibility meeting.

IDEA requires that the eligibility determination be made by a group of qualified professionals and the student's parents. Who attends on behalf of the school will vary depending on your state or school district. Individuals likely to attend would include a school principle, school psychologist, special education teacher, general education teacher and others involved in the evaluations and assessments conducted as part of the evaluation process. A translator should also be present if you need one.

What happens at the meeting? The initial IEP meeting to determine eligibility will generally include:

- Introductions of those attending
- A review of the results of your child's evaluation (Remember, you should have already received a copy of the evaluation report prior to this meeting. If you have not received the evaluation report prior to the meeting, you must be given a copy at the meeting.)
- A review of any material that you, as the parent, want to have included as part of the determination. This may include results of private screening or testing, reports from a family doctor, or information from private tutors. It is best to provide these materials to school personnel before the meeting so they have an opportunity to review them.
- Discussion of the evaluation results
- Determination of eligibility and the educational needs of the student.

Eligibility Determination: A Two-Pronged Test

It is important to understand that establishing eligibility for services under IDEA is a **two-pronged process**. The team of qualified professionals and the parent must determine that the student meets both of these criteria in order to be eligible for special education services:

Prong One - The student must be determined to have one (or more) of the 13 disabilities listed in the IDEA.

AND

Prong Two - The student must, as a result of that disability, need special education in order to make progress in school and in order to receive benefit from the general educational program.

Given this two-pronged test, it is possible that a student could be determined to have a disability (Prong One), such as a Specific Learning Disability or Attention Deficit/Hyperactivity Disorder (AD/HD), yet not be in need of special education (Prong Two).

In such cases, the student may be eligible under other disability categories of IDEA, or an optional designation known as developmental delay which is designed to enable states to provide special education services to young children (ages three through nine) who are experiencing developmental delays but do not satisfy the criteria for a disability category. Lastly, educational assistance may be available to the student under another federal law, Section 504 of the Rehabilitation Act.

In making the eligibility decision, IDEA requires that the team of qualified professionals and the parent draw upon a variety of information about the student, including relevant functional, developmental and academic information provided by the evaluation process. Any additional information provided by the parent must also be considered. The team is not allowed to rely on any single measure or assessment as the sole basis for determining eligibility.

NEW **Special Rule for Eligibility Determination.** In addition to the consideration of all information obtained through the initial formal evaluation, as well as information provided by the parents, IDEA 2004 requires some additional considerations in making eligibility decisions. To prevent students from being inappropriately identified as a "child with a disability" under any category, the team must also determine that none of the following factors are the primary reason for the student's academic difficulties:

- Lack of appropriate instruction in reading, which must include the essential components of reading instruction as defined in No Child Left Behind (see the **Reading Instruction Checklist** on page 76 for more information.)
- Lack of instruction in math
- Limited English proficiency.

In making an eligibility decision, the team has flexibility. More and more, the determination of a specific learning disability relies on the professional judgment of the team. By using the combined knowledge and expertise of the team members, sound judgments regarding the disability status and learning needs of your child can be formulated. The team should not rely on any one criterion nor require any specific mathematical discrepancy in making a determination regarding a specific learning disability.

NEW *Additional Procedures for SLD Determination*

As discussed in Chapter 2, IDEA 2004 made significant changes to the procedure to determine if a student has a Specific Learning Disability.

Specifically, IDEA 2004 eliminates the requirement for schools to determine that a student shows a "severe discrepancy" between intellectual ability and academic achievement in order to be identified as having an SLD – a requirement that had been part of IDEA federal regulations for almost 30 years. But since the law does not entirely prohibit its use, some states may continue to use a "discrepancy" model as part of its eligibility process.

Caution – Learn Your State and School District Policy. IDEA 2004 federal regulations require that every state have criteria for determining eligibility for SLD. Be sure to learn your state's criteria and how it is implemented in your local school district. Your Parent Training and Information Center can provide you with this information.

The group that determines eligibility for SLD must include the student's parents, the student's regular education teacher (or a teacher qualified to teach a student of his or her age) and at least one person qualified to conduct diagnostic examinations, such as a school psychologist, speech-language pathologist, or remedial reading teacher. Others may also be included when appropriate, such as an occupational therapist or physical therapist.

The updated procedure, contained in the IDEA 2004 federal regulations, requires them to determine that:

- The student does not achieve commensurate with his age in one or more of the following areas:
  - Oral expression
  - Listening comprehension
  - Written expression
  - Basic reading skill
  - Reading fluency skills
  - Reading comprehension
  - Mathematics calculation
  - Mathematics problem solving (previously called "mathematics reasoning")
- The student does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas above when provided with a response to scientific, research-based intervention (such as the Response to Intervention process described in Chapter 2) or

The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, state-approved grade level standards or intellectual development (for example, an achievement test shows a discrepancy between reading and math, indicating strengths and weaknesses among your child's academic skill levels) or

- The student has been provided appropriate instruction in reading or math. Information that demonstrates that the student received appropriate instruction from a qualified teacher in a regualr education classroom must be considered by the team. In addition, there must be documentation of regular assessments of achievement. This documentation should have been provided to the student's parents.

- The student's lack of achievement is not primarily the result of any of the following:
  - A visual, hearing, or motor disability
  - Mental retardation
  - Emotional disturbance
  - Cultural factors
  - Limited English proficiency
  - Environmental or economic disadvantage

The eligibility team must consider information from an observation of the student (including the regular classroom setting) to record academic performance and behavior in the areas of difficulty. This information can be from observations and monitorings of performance done prior to the student's referral for a formal evaluation or from an observation conducted by a member fo the eligibility team as part of the formal evaluation process.

Finally, the team must document all of its eligibility findings in writing. Each member of the team must certify in writing whether the written report reflects his or her conclusion and, if it does not, that member must submit a separate statement presenting his or her conclusions. The written eligibility determination report must include detailed information about the findings and conclusions reached by the team.

In making an eligibility decision, the team has flexibility. More and more, the determination of a specific learning disability relies on the professional judgement of the team. By using the combined knowledge and expertise of the team members, sound judgements regarding the disability status and learning needs of your child can be formulated. The team should not rely on any one criterion nor require any specific mathematical discrepancy in making a determination regarding a spcific learning disability.

Next Steps

Eligible Students

If your child is found eligible for special education, the next step is to draft a proposed Individualized Education Program (IEP) for your child. An IEP must be developed within 30 calendar days of the determination that your child needs special education. Special education services may not be provided until an IEP has been developed and you have provided informed consent.

NEW Frequently, school districts will propose to combine both the eligibility meeting and the initial IEP meeting. In fact, IDEA 2004 encourages having these meetings at the same time. Combining meetings can save time for parents and school staff and can also allow the student to begin receiving services more quickly. However, if you object to such a process, let the school know that you prefer separate meetings to discuss your child's eligibility and to develop your child's IEP.

Students not eligible

If your child is not found eligible for special education services, you have the right to exercise your options for dispute resolution as described in Chapter 11. You might also inquire about other ways that your child might obtain additional educational assistance, such as through targeted instruction (individualized or in small groups) or through a plan allowed under Section 504 of the Rehabilitation Act. Some school districts will routinely consider students for this type of plan, but others will not. Be sure to ask your school for information about Section 504 and whether or not your child can be evaluated for services under Section 504.

Important: You must be given documentation of the eligibility decision, regardless of whether your child is found eligible or not eligible for special education. This is an important piece of information, so be sure to keep a copy and place it in your child's educational records file at home.

Eligibility – A Gateway to Services

In most states, assigning a disability category such as SLD to a student is a required part of the eligibility process. However, once eligibility is determined by the team – using the procedures discussed above – services available to the student should not be limited by his or her specific disability label. For example, students found eligible under the Emotional Disturbance category receive specific supports that target behavior issues and work on skills to improve overall performance. However, if these types of services and supports also benefit a student found eligible under the SLD category, the school should provide them. It is common for students with SLD to experience emotional difficulties as a result of their learning disability. Such emotional issues should be addressed in the student's educational program as part of the learning disability.

Eligibility for your child will continue unless:

- You or your school district propose a change in the disability category
- Your child's performance indicates the possibility that special education services are no longer needed.

In any of these situations, you or the school will propose to reevaluate your child in order to gather new information.

NEW Schools are no longer required to evaluate a student when the student's eligibility ends due to graduation with a standard diploma or when the student reaches the age at which special education is no longer required by state law (usually at age 22). In these cases, the school district is now required to provide your child with a summary of his or her academic achievement and functional performance. This new summary of performance requirement is discussed in Chapter 8: Transition.

Now that your child has been found eligible to receive special education services, an IEP must be developed. In the next chapter you'll learn how the IEP will be developed and the important role you will play.

IDEA Toolkit

Tools for Chapter 6

Questions to Ask about Your Child's Eligibility Determination (Page 92)

7 Individualized Education Program (IEP)

Developing your child's education plan

Who is this for?

This chapter is for parents whose child has been formally evaluated for special education services and has already been found eligible to receive special education and related services as required by IDEA.

Why is this important?

The Individualized Education Program (or IEP) lays out the school's commitment to provide special education and related services to eligible students. Each eligible student must have an IEP in effect before he or she can receive special education and related services.

What can parents do?

IDEA makes it clear that parents are full and equal members of the IEP team. Parents can be active participants in developing their child's IEP. They also should be involved to ensure that special education services are helping their child make adequate progress in the general education curriculum.

Words and terms to know

Individualized Education Program (IEP): A written statement for each child with a disability that is developed, reviewed and revised according to the requirements of IDEA.

General education curriculum: The body of knowledge and range of skills that all students throughout a state are expected to master.

Least restrictive environment: To the maximum extent appropriate, children with disabilities are to be educated with children who are not disabled. Special classes, separate schooling, or other ways of removing children with disabilities from the regular educational environment should only occur when the nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily with the use of supplementary aids and services.

Specially designed instruction: Ways that special education professionals adapt the content, methodology (approaches to teaching certain grade level content), or the delivery of instruction to address the unique needs that result from the child's disability. Specially designed instruction should also ensure that the eligible child has access to the general curriculum so that he or she can meet the educational standards of the school district that apply to all children.

Related services: Supportive services that are required to assist a child with a disability to benefit from special education. Related services include transportation, developmental and corrective services, speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP, social work services in schools, and parent counseling and training.

Supplemental aids and services: Aids, services and other supports that are provided in regular education classes or other education-related settings that enable children with disabilities to be educated alongside nondisabled children to the maximum extent appropriate. Examples of supplemental aids and services might be assistive technologies such as a computer or adapted physical education.

Accommodations: Accommodations are tools and procedures that provide equal access to instruction and assessment for students with disabilities. Designed to "level the playing field" for students with disabilities, accommodations are generally grouped into the following categories:

- Presentation (e.g., repeat directions, read aloud, use of larger bubbles on answer sheets, etc.)
- Response (e.g., mark answers in book, use reference aids, point, use of computer, etc.)
- Timing/Scheduling (e.g., extended time, frequent breaks, etc.)
- Setting (e.g., study carrel, special lighting, separate room, etc.).

In the previous chapter you learned about the Eligibility Determination process – the decision about whether your child qualifies for special education services under IDEA following an initial evaluation. If your child is eligible for special education services, the next step is to develop his or her Individualized Education Program, also known as an IEP.

Your child's IEP lays out the school's commitment of special education and related services to be provided by the school district. An IEP must be developed within 30 days of eligibility determination and then must be reviewed annually as long as the student continues to be eligible for services. Special education and related services cannot begin until an IEP has been developed.

As noted throughout this chapter, IDEA 2004 made several significant changes to the Individualized Education Program, both in terms of who should participate and what should be included in this important process.

Scheduling the IEP Meeting

School districts are required to take steps to ensure that one or both of the child's parents are present at each IEP meeting. These steps include:

- Providing notice of the meeting early enough to ensure that parents have an opportunity to attend
- Scheduling the meeting at a mutually agreed upon time and place.

Alternative ways of meeting, such as conference calls and video conferencing, should be made available to parents as a way of ensuring participation. While a face-to-face meeting involving at least one parent is most desirable, an alternative meeting format can provide an opportunity for both parents to participate.

Meeting Notice

The school must provide you with a written notice of every proposed IEP meeting. The meeting notice must state the purpose of the meeting, the time and location of the meeting and who will attend. The notice must also inform you of your right to bring other individuals to the IEP meeting.

For meetings to develop IEPs for students turning age 16 (or older) during the time in which the IEP will be in effect, the notice must also:

- Indicate that the meeting will include consideration of postsecondary (after high school) goals and transition services

- Indicate that the student will be invited to attend the meeting
- List any other agency (such as rehabilitative services) that will be invited to attend.

Information about the transition services required in IEPs is covered in Chapter 8.

Who Attends IEP meetings?

The IEP team consists of:

- The student's parents
- At least 1 regular education teacher of the student (if the student is, or may be, participating in the regular education classroom)*
- At least one special education teacher or, where appropriate, at least one special education provider*
- A representative of the school district who is: qualified to provide, or supervise the provision of, specially designed instruction; is knowledgeable about the general education curriculum; and is knowledgeable about the availability of the school district's resources*
- An individual who can interpret the instructional implications of evaluation results (this may be a school psychologist or may be one of the teachers or the district representative listed above)*
- Any individuals who have knowledge or special expertise regarding the student. These individuals can be invited by either the school or the parent and might include an advocate, private tutor or related services personnel (such as a speech-language pathologist, occupational therapist or physical therapist)
- When appropriate, the student. (You know your child best, so work with school staff to determine the appropriate age at which your child is ready to be part of the IEP team meeting. This will vary based on your child's disability, level of maturity and ability to understand the information that is discussed during an IEP meeting.)

You should read the meeting notice to be sure that the required members are going to be on hand. You should expect that members will be available for the entire meeting. If you have any concerns regarding those who are scheduled to attend, communicate those concerns prior to the meeting. If the school district is proposing to excuse a team member, be sure you understand the terms of such excusals, as explained below.

NEW **Exceptions to IEP Meeting Attendance.** IDEA 2004 provides two ways that the IEP team members indicated above with an * can be excused from attending the IEP meeting, in whole or in part:

- If the member's area of the curriculum or related services is not being modified or discussed in the meeting. Parents must provide written agreement for this type of excusal.
- If, when the member's area of curriculum or related services is being discussed, the member submits written input to the parents and the team prior to the meeting. Parents must provide informed written consent for this type of excusal.

This applies whther the IEP team member wishes to be excused from attending either the entire meeting or part of the meeting. If you would prefer that the school district not propose to excuse any member of your child's IEP team, you need to notify the school, in writing, well in advance of the meeting. Use the **Sample Letter Regarding**

Conducation an IEP Meeting without a Parent.

A school district may conduct an IEP meeting without the student's parents in attendance if the district has been unable to convince the parents to attend and has kept records of its attempts to gain the parents' attendance.

IEP FORMS

Most states and/or local school districts have developed forms to make the IEP process run smoothly. These forms must contain all of the elements required by IDEA and may also contain additional state and/or district level elements. If your school district has an IEP form, obtain a copy of the form before your child's IEP meeting. Reviewing the IEP form that will be used by the school will help you understand the information that will be covered during the meeting.

Remember that forms can limit flexibility by not allowing you room to include details that are specific to your child. So, don't hesitate to bring up issues of concern regardless of whether the school's IEP form provides a place for such information. Above all, the IEP must be tailored to each student's unique educational needs.

IEP PROCESS

CONSIDERATION FACTORS
▼
SPECIAL FACTORS
▼
PRESENT LEVEL OF PERFORMANCE
▼
MEASURABLE ANNUAL GOALS
▼
PROGRESS REPORTING
▼
SERVICES & PROGRAMS
▼
PARTICIPATION IN GENERAL EDUCATION
▼
ASSESSMENT PARTICIPATION/ ACCOMMODATIONS
▼
TRANSITION

IEP Team Member Excusal on page 93 for this purpose.

Developing the IEP

Consideration Factors. The development of your child's IEP must begin with the consideration of several important factors. These are:

- The strengths of your child
- Your concerns for improving your child's education
- The results of your child's initial evaluation or most recent evaluation
- NEW The academic, developmental and functional needs of your child.

Careful consideration of each of these factors by the IEP team leads to the development of a statement about your child's present levels of academic and functional performance. Your concerns as a parent should be considered as important as the school's concerns and information. You should provide a written statement of concerns about your child's academic, developmental and functional needs to help ensure that the IEP reflects your input. For example, if your child is struggling with homework each night or experiencing difficulties participating in activities such as after school clubs or sports, include these as concerns that should be addressed.

As noted above, IDEA 2004 adds a new requirement that the IEP must take into consideration the "academic, developmental and functional needs" of your child. This allows the IEP team to broaden what it might consider important for your child's IEP beyond academic performance and include needs associated with other important aspects of your child's performance. Developmental and functional needs can include areas such as social skill development, behavioral problems and attentional issues – all areas of development that can have significant impact on your child's academic performance. Your child's participation in extracurriculum and other nonacademic activities should also be considered.

Special Factors. Next, the IEP team must consider a list of "special factors" that might require additional elements in the IEP. These factors are:

- The use of positive behavioral interventions and strategies to address a child's behavior that gets in the way of his or her learning or that of others
- The language needs of a child with limited English proficiency
- Instruction in Braille for a child who is blind or visually impaired
- The language and communication needs for a child who is deaf or hard of hearing
- The need for assistive technology devices and services for all children with disabilities (e.g. special computer software, calculators, audio books).

For example, if the IEP team feels that a student's behavior is interfering with learning, the team should develop a behavior intervention plan. The behavior plan must be based on an assessment of the student's behavior so that interventions can be developed to address the specific behaviors of concern. (See additional resource at right.)

Additional Resource

A thorough discussion of behavior plans and the assessment required to develop such plans is beyond the scope of this guide. However, if your child's behavior is interfering with learning, be sure to become familiar with this process and ask the IEP team to address behavior as part of your child's functional needs. Start by reviewing the information in the publication, *IEP Team's Introduction To Functional Behavioral Assessment And Behavior Intervention Plans, available at* http://cecp.air.org/fba/default.asp.

Present Level of Performance (PLOP). Next, the IEP team develops a statement describing your child's present levels of academic and functional performance.
This statement should be drawn from a variety of information and data, including information provided by you. The PLOP must include information on how your child's disability affects his or her involvement and progress in the general education curriculum. The PLOP establishes the starting point, or baseline, that will be used to develop the IEP's measurable annual goals, so it's important that objective information such as recent test scores and other evaluation data be included in this statement.

Examples of inappropriate and appropriate present level of performance statements (PLOP):

Inappropriate: Susan is not progressing adequately in the second grade reading curriculum.

Appropriate: Susan is reading 15-20 words per minute (WPM) with three to eight errors in second grade material. She reads slowly with inaccurate decoding skills.

Measurable Annual Goals. Next, the IEP team develops a set of measurable annual goals, including academic and functional goals. The goals must be designed to meet your child's needs that result from his or her disability. Additionally, the goals must enable your child to be involved in and make progress in the general education curriculum. These goals should be written only for areas of need that arise from your child's disability. These are not goals for your child's total education program (unless all areas are affected). Goals must be measurable and must relate directly to the information in the PLOP.

Examples of inappropriate and appropriate annual goals:

Inappropriate: Susan will improve her decoding skills and reading speed.

Appropriate: Susan will read 80 words per minute (WPM) with zero to two errors in second grade material.

Short-term Objectives. For students with significant cognitive disabilities who participate in district and state-wide testing via alternate assessments based on alternate achievement standards, each annual IEP goal is also broken down into short-term objectives – measurable intermediate steps between the baseline (as described in the PLOP) and the annual goal.

NEW While the requirement for short-term objectives for all other students was eliminated in IDEA 2004, some states may choose to continue to require such interim steps as part of annual goals.

Progress Reporting. Next, the IEP team will describe how your child's progress toward meeting the annual goals will be measured and reported to you. This description must include when you will receive regular progress reports. For example, progress reports can be issued quarterly, at the same time that report cards are sent home to all parents.

Reports of progress toward annual goals should involve objective measures – such as results gathered by curriculum based measurement and standardized tests – and should not rely on any one single measure. A combination of measures will best document your child's progress and show if the special services are meeting your child's needs. Teacher observation and grades alone are not appropriate measures of student progress.

Services/Programs. Next, the IEP team must develop a statement about the special education (specially designed instruction), related services and supplementary aids and services that will be provided to your child, or to someone else in order to address the needs of your child.

The proposed special education services, related services and supplementary aids and services must enable your child to:

- Advance appropriately toward reaching the annual goals

- Be involved in and make progress in the general education curriculum, extracurricular and other nonacademic activities
- Be educated and participate with children who do not have disabilities.

The statement of special education services must include specific information such as:

- Dates (date services will begin and end – generally one year)
- Frequency (how often the services will be provided; for example, the number of times each day or week and the minutes or hours that will be provided each time)
- Location (where the services will be provided; for example, in a resource room)
- Duration (the period of time each service will be provided).

This statement of special education services is the school's commitment of resources to your child that will allow him or her to reach the measurable annual goals developed by the IEP team.

NEW IDEA 2004 adds an important new requirement:

The IEP team's choice of special education and related services must be guided by peer-reviewed research whenever possible. In other words, instructional programs and other services should be supported by strong evidence of effectiveness that has been determined through scientifically-based research. This is particularly important when determining instructional programs to address reading difficulties since there is a robust body of research showing the effectiveness of an array of reading programs, also known as "methodologies."

You should ask whether the school has any scientifically-based research to support the instructional program or methodology that is proposed for your child, including evidence of its effectiveness. This applies not only to instructional programs to address academic needs, but also to the programs chosen to address behavioral or other identified areas. Schools should be able to offer a variety of instructional approaches – not simply one approach that is used with all students who have a particular learning problem or disability.

Unfortunately, sometimes there is a "disconnect" between the goals to be achieved and the frequency, location and duration of the services your child is to be provided. You should be certain that the frequency of the proposed services is adequate to meet your child's needs and will result in reaching the annual goals. Addressing your child's academic difficulties in a timely manner is essential if he or she is expected to participate in the grade-level general education curriculum.

Participation in General Education. The IEP team must describe how much time your child will spend outside of the regular education classroom and away from students who do not have disabilities. This requirement is designed to protect your child's right to be educated in the least restrictive environment as required by IDEA.

Your child should have full access to the general education curriculum regardless of where he or she receives special education and related services. If special education services, such as reading instruction, will be provided in a separate location such as a resource room, be sure to ask what will be happening in your child's general education classroom during the time your child will not be present to make sure your child won't be missing valuable classroom instruction.

Accommodations and Assessment Participation. The IEP team will develop a statement about any individual accommodations that your child should use while taking state and district-wide tests, or assessments, including tests required by the No Child Left Behind Act (NCLB). This statement will also say whether your child will participate in the regular assessment or in an alternate form of assessment.

Take time to understand the particular tests or assessments that your child is expected to take, including the content of the test, how it will be presented, the response format (e.g. multiple choice, essay), and the administration (setting and length). You should also fully understand the decisions that will be made regarding your child based on the assessment scores, such as moving on to the next grade (grade promotion) or graduation.

Make sure that decisions regarding accommodations for state and district-wide assessments are made carefully and are based on your child's individual needs – and not on his disability category.

Accommodations for classroom instruction and classroom tests may differ from accommodations allowed on state assessments. All accommodations and the settings for which they are intended should be included in the IEP.

You may find that an accommodation your child has been using in the classroom and on classroom tests is not allowed by state guidelines during state testing. Use NCLD's Parent Advocacy Briefs on Assessment Options, Assessment Accommodations and High Stakes Testing available at www.LD.org/ParentBriefs to learn more about these important aspects of your child's IEP.

Transition. Beginning when your child is turning age 16, IDEA requires that the first IEP that will be in effect must also include plans for your child's successful transition from high school to postsecondary education or employment. This important process includes adding new members to the IEP team and developing appropriate measurable postsecondary goals. Transition planning required for students 16 and older is discussed in detail in Chapter 8.

Use the **IEP Meeting Planner** on page 94 and **IEP Meeting Conversation Stoppers** on page 100 for additional assistance with planning and negotiating your child's IEP.

Finalizing the Initial IEP

After the IEP team has developed the initial IEP for your child – that is, the first IEP following the eligibility decision – you will be asked to sign the IEP, along with all other team members. Your signature serves as your informed consent for the school to begin to provide special education services to your child. Services should begin as soon as possible once the IEP is finalized.

You don't have to sign the IEP at this meeting. If you want to review the IEP first, ask to take it home before you sign it. This allows you time to thoroughly review the proposed IEP. You can use the **IEP Checklist** on page 104 to make sure your child's IEP contains all the required elements.

The proposed IEP will likely include several annual goals and the services that will allow your child to achieve those goals. You may agree to all or some of the proposed services, programs or placements. If you decide to accept the IEP as proposed, indicate that you accept by signing the IEP.

- If you accept only parts of the proposed IEP, indicate which items you agree to have provided and which items you wish to dispute. You should also provide a written explanation of your disagreement and ask that it be included as an addendum, or addition, to the IEP document. A second IEP meeting may be scheduled to try to work out the items in dispute, or you can use the dispute resolution options discussed in Chapter 11.

- If you refuse to accept the proposed IEP entirely, indicate your disagreement on the IEP form. You might be asked to sign the IEP to indicate your attendance or participation at the IEP meeting, which does not indicate your agreement. Be sure that your signature clearly indicates only your attendance if you do not consent to the proposed IEP. At this point, you are free to use the dispute resolution options discussed in Chapter 11.

- If you refuse to allow your child to begin to receive the proposed special education services, the school cannot begin delivery of initial services and is not required to provide a free appropriate public education, as required by IDEA, to your child.

- You should be given a complete copy of the final IEP (at no cost to you).

Changing an IEP

NEW After the initial IEP is finalized or later IEPs are agreed upon (usually annually), IDEA 2004 provides new ways that parents and schools can make changes they agree upon:

- Once the annual IEP team meeting has taken place, schools and parents are allowed to amend or change the IEP without holding another meeting of the full team.
- At minimum, you should recieve a copy of the IEP changes in writing.

If the changes are made in this manner, all members of the IEP team must be made aware of the changes and their responsiblity in implementing the changes.

While these new provisions make it more convenient for both parents and schools to make IEP changes, you should be cautious about using this approach to changing your child's IEP. Minor changes involving such things as accommodations can be easily revised this way, but significant revisions such as changes in the services, the frequency of those services, and how behavioral or disciplinary issues are addressed are reasons to have a full IEP team meeting. When making IEP changes without a team meeting, you should make sure that the school representative making the change(s) is authorized to do so by the school district. Parents are free to request an IEP meeting at any time, and requests should always be made in writing.

Access to IEPs

Your child's IEP contains highly confidential information and schools are required to limit access to confidential student educational records, including IEPs. However, IDEA makes it clear that your child's IEP must be accessible to each person responsible for its implementation – this includes all regular education teachers, special education teachers, related service providers, and other service providers who are involved in the services to be delivered to your child. So, expect that access to your child's IEP will be restricted, but also make sure that every person involved in your child's educational program is made aware of the IEP and their role in its implementation.

The Annual IEP Review

After your child's initial IEP is developed and you have provided informed consent for the school to begin delivering special education services, the school is required to review and revise (as needed) all IEPs at least once each year. This annual IEP review will follow the same process as your child's initial IEP. Specifically, the annual IEP review will focus on:

- Any lack of expected progress toward the annual goals as well as progress in the general education curriculum
- The results of any reevaluations conducted according to the requirements described in Chapter 5: Evaluation
- Information that you provide about your child
- Any additional information such as your child's performance on state and district assessments.

As required in the development of initial IEPs, your child's general education teacher must participate in the review and revision of the IEP.

Signing Annual IEPs. IDEA does not require parents to sign annually updated IEPs – informed parental consent is required only for the school to begin the initial delivery of special education services. However, it is common practice for all IEP team members to sign, primarily for the purpose of verifying their participation. The school district is obligated to provide the services in an IEP once initial parental consent is obtained. Parents can withdraw their consent for services at any time, as stated in the Procedural Safeguards notice (see Chapter 4).

While IDEA requires that your child's IEP be reviewed at least once per year, both you and the school district are free to request more frequent IEP meetings to address issues and concerns.

When you move

NEW New provisions in IDEA 2004 are intended to ensure that your child's special education program continues without interruption when he or she moves to a new district either within the same state or to another state.

- **Moving Within the Same State.** If your child is changing school districts within the same state, the new district must provide the same or comparable services as those listed in the previous IEP until it either formally accepts the previous IEP or develops and implements a new one according to the process described in this chapter.
- **Moving from One State to Another.** If your child transfers between states, IDEA 2004 requires that the new district must continue comparable services until it
    - Conducts an evaluation of your child, if necessary. For example, the new school may request permission to conduct an evaluation to obtain more current information about your child's level of performance
    - Develops a new IEP, if appropriate, that is consistent with federal and state laws. For example, since states may have laws that govern IEPs in addition to the federal laws, developing a new IEP that meets the state's requirements may be in order.

Transfer of Records. Both the old and new schools are required to take reasonable steps to ensure that your child's IEP is promptly transferred, as well as any documentation related to special education, related services and other records. To best ensure that special education services start promptly at the new school, you should get a copy of your child's records before moving and provide these records to the new school when you enroll your child.

IDEA Toolkit

Tools for Chapter 7

- Sample Letter Regarding IEP Team Member Excusal (Page 93)
- IEP Meeting Planner (Page 94)
- IEP Meeting Conversation Stoppers (Page 100)
- IEP Checklist for Parents (Page 104)

Why My Son Attended His Own IEP Meetings

My son Jay was identified with multiple learning disabilities when he was just a toddler. When he was admitted to a school in New York for special education students, no one knew whether he could ever learn to read. I do not know where in his soul he found the drive and motivation, but he learned to do what many people said could not be done – he learned to read at age nine.

Jay's school was filled with specialists who custom tailored his classes to meet his special needs. But then came the greater challenge. Could he learn subjects such as history, literature, and foreign languages in a regular classroom?

When Jay arrived in a regular middle school, he had compensation strategies thanks to successful early intervention. But his new regular classroom teachers did not know about strategies that would be appropriate for him. They were untrained and unaccustomed to his special needs.

Jay's accommodations were written into his IEP, but the school staff and district administrators refused to read them. So, it was perhaps not surprising that they discouraged Jay from attending his own IEP meetings. Administrators told Jay that he needed to work harder in class and needed the meeting time for coursework. And they told me that he would be traumatized by the reports about himself from the IEP team.

As his parent, I felt that Jay needed to attend every IEP meeting. If he was going to understand what was happening in his education, he had to be part of the process. I couldn't imagine a successful IEP without his buy-in. He had a far better understanding of what was really going on because he was in the classroom.

At one of his IEP meetings, the staff asserted that Jay had made so much progress that he no longer needed an IEP, and that he should be found ineligible for special education services. They were basing this partly on a recent 6th grade standardized test score. There wasn't much logic to their argument.

The staff asserted that Jay got 100% on a recent spelling test. This was important because we had heated controversy about whether Jay's IEP should require un-graded spelling due to his learning disability. The staff argued that Jay should be graded on his spelling in light of his remarkably high reading comprehension score on the recent standardized test – even though the score was inconsistent with Jay's history and with other recent scores.

Then, quite unexpectedly, my son spoke up. He softly explained that the 100% was actually ten words on a quiz that was a make-up – hardly a breakthrough score. This was also inconsistent with his personal educational history. More importantly, he then explained why his reading comprehension score on the standardized test was so high. Jay said that he never actually read the paragraphs that were included with the test!

Never read the paragraphs?

Well, the paragraphs were about the terracotta warriors in X'ian China. Coincidentally, we had toured these same warriors in person, five years earlier. The paragraphs were too long to bother with, Jay explained, so when he realized they were asking about the warriors he had already seen, he just answered the questions based on his prior knowledge. So, Jay spent his entire time (including his extended time) answering the multiple-choice questions. He reported they were easy questions: What were the warriors used for? (For defense) Were they alive? (No, they were in a tomb) What was special about them? (No two are alike). Jay knew most of the answers, guessed the rest, and voila – high score!

If Jay had not been at that meeting, the school would have used those two test scores to end his special education services. By speaking up, my son set the record straight and saved his own eligibility.

- Ilise from New Jersey

Parent. Perspectives

Tips for School Meetings

I am the father of two special needs children. My older child has a smorgasbord of attributes that interfere with learning, including emotional, behavioral and specific learning disabilities. I have specially designed armor I wear when attending any school meeting for him. I am also an educational advocate for foster children, attending intervention meetings almost daily.

Over the years, I have learned much about the way schools operate, and how different each school's attitude is regarding educating atypical learners. They all talk a great game (as required by law), but some are better at practicing what they preach.

Schools are under-funded, over-crowded, and over-burdened with changing rules, cryptic regulations and mountains of paperwork. I try to accomplish what I need with honey-coated negotiating skills. However, if I have to turn into PAPA-BEAR to get what my child needs – so be it. I never forget – I am an equal-say partner at any meeting and the only one sitting around the table who tucks my child in at night.

When I first began protesting that one of my son's needs was not being addressed, I was amazed when the educators turned to me and asked, "So, what would you suggest?" I quickly learned to have suggested interventions ready and know what the laws stipulate. I also learned to ask the educators sitting around the table to help think of non-traditional interventions. I respectfully point out that they are the ones with the training, education and years of experience. Conversely, I never blindly accept what is told to me without questioning and understanding the implications and ramifications. If I have to stop a meeting for clarification one or ten times – so be it.

Take notes during the meeting. Often people change, revise or deny what they have said earlier. If you've written it down, you can refer back to what is being said during and after the meeting. Don't count on the official note-taker. If I want to make a point or if I have an un-addressed need, I state that I want this reflected in the notes. Also, have the notes read aloud at the end of the meeting. Make sure you agree with what they state has transpired, and get a copy of everything. Keep it in a file that you bring to any follow-up meetings.

Discover what frustrates your child at school by asking him/her directly, and address these in the school meeting. Ask specific (not general) questions, such as, "Is it hard for you to finish when the teacher asks you to copy information from the board onto your paper?" "How do you feel during a test? Are you able to finish with no problem?" "How noisy is your class?" "What is your favorite subject?" You may be surprised by some of the answers.

Remember, you are a vital part of the decision-making committee. Don't be intimidated by educators who want to "tell" you what will be done or say, "We can always make changes later." It's easier to get it done right the first time. Don't let them rush through an IEP meeting because another one has been scheduled. This is a one-year contract you are signing and it deserves the time and consideration needed for you to understand and agree with what is in writing.

- Jody from Georgia

8 Transition

Planning your child's future success

Who is this for?

This chapter is for middle school and high school students and their parents. It provides important information about the transition services that must be a part of IEPs for all students with disabilities who are age 16 or older.

Why is this important?

Transition planning is crucial to students' success after high school. Because students with disabilities often experience limited success after leaving high school, many new IDEA 2004 provisions seek to improve transition planning so that students with disabilities can be more successful in their adult lives.

What can parents do?

All too often, parents fail to take an active role in their child's transition planning. Parents can take an active role by working with the school to plan the supports and services that will lead to success. Parents can also help their children to define goals and aspirations for life after high school. Both parents and students need to make sure that transition planning starts early enough for adequate preparation, which is frequently well before IDEA's mandatory age of 16.

Words and terms to know

Functional skills: As used in this chapter, functional skills are those needed for independent living, such as cooking, shopping, working with or managing money, using public transportation, and knowing how to be safe at home and in the community.

Postsecondary education: Formal education or training beyond high school, including college, university, vocational school and trade school.

Courses of study: Middle and high school course work (or classes) that lead to certain types of diplomas and/or are required for postsecondary education.

Transition services: A coordinated set of activities that:

- Improves the academic and functional skills of the student in order to facilitate the student's movement from school to post-school activities such as postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation
- Is based on the individual student's needs, taking into account his or her strengths, preferences and interests
- Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, the acquisition of daily living skills. Transition services often include a functional vocational evaluation.

Summary of performance: A summary of the student's academic achievement and functional performance that includes recommendations to assist the student in meeting his or her postsecondary goals (details later in this chapter).

Vocational Rehabilitation Agency: A publicly funded state agency that provides direct and indirect services to youth with disabilities as they transition from school to work, in order to maximize their employability, independence and integration into the workplace and the community..

Vocational rehabilitation (VR): a set of services offered to individuals with disabilities designed to enable participants to attain skills, resources, attitudes, and expectations needed to compete in the interview process, get a job, and keep a job.

In Chapter 7: Individualized Education Program, you learned about partnering with school staff to plan your child's educational program. This chapter discusses the transition services that are a required part of every student's IEP upon reaching the age of 16.

NEW Transition services must be included in the first IEP that will be in effect when a student turns 16. So, this generally means that you should begin to include transition services in the IEP that is prepared when your child is 15. However, IDEA 2004 also makes it clear that IEP teams are free to begin planning at an earlier age if the team considers it appropriate to do so. Many students with learning disabilities need to start their transition planning in middle school because they may need to take specific classes or courses of study to keep them on a path to achieve their postsecondary goals. As full and equal partners in the IEP team, you should advocate for transition planning for your child at an early age and ensure that services in the IEP directly support postsecondary goals. Check to see when your state policies recommend starting transition planning.

Expanding the IEP Team

Under IDEA 2004, schools continue to be responsible for bringing in representatives from other agencies, such as vocational rehabilitation agency or postsecondary education, to be part of the planning for transition services, with the consent of the parents or the student who has reached the age of majority. Your IEP meeting notice must indicate the individuals from other agencies who have been invited to attend your child's IEP meeting. If you feel that the school is not including appropriate representatives to help with transition planning, be sure to let the school know.

Beyond simply participating in your child's IEP, these agencies may also be responsible for the delivery of some of the needed transition services. To ensure that transition services are provided, IDEA 2004 makes it clear that if these agencies do not provide the services for which they are responsible, the school must find alternative ways to meet the transition objectives for your child.

In addition to other agency representatives, IDEA requires that your child be included in the IEP meeting when planning for transition services begins. If your child can not or does not attend the meeting, IDEA requires that the school district take other steps to ensure that his or her preferences and interests are considered in the planning of transition services.

Don't forget that your child can be part of the IEP team long before transition planning begins. You and the school should work together to determine the best time to begin including your child as part of the team.

Requirements for Transition Planning

The IEP team must develop appropriate, measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. There are age-appropriate transition assessments such as personal interest inventories that could be given to your child to help identify his or her individual special talents and interests.

In developing your child's transition goals, the IEP team (including your child) must determine what instruction and educational experiences will help prepare him or her for a successful transition to life after high school. Once the goals are developed, the IEP team must then develop a statement of the transition services, including courses of study, needed to assist your child in reaching those goals.

IDEA requires states to provide special education services to eligible students until they either graduate with a regular diploma or exceed the age limit established in IDEA (reaching age 22) or by your state law. Students receiving diplomas other than a regular diploma are entitled to continue to receive services under IDEA until exceeding the age limit. The IEP team decides when it is appropriate for a student to exit special education.

The statement of transition services should relate directly to your child's postsecondary goals, and should:

- Define every activity that must occur
- Identify who has primary responsibility for each activity
- Specify the dates and order that each activity will begin and end
- Motivate your child to complete his or her education and minimize the risk of dropping out prior to graduation.

Use the **Transition Considerations Checklist** on page 105 to help plan transition goals and services.

Coming of Age

Another important aspect of transition planning is the requirement to notify your child one year before he or she reaches the "age of majority" under state law (18 years of age in most states). At that time, the IEP must include a statement that your child has been informed of his or her rights under IDEA (if any) that will transfer from you to him or her upon reaching that age.

This is an important event in the life of a student. Under state laws, when your child reaches the age of majority, he or she is presumed to be capable of making his or her own decisions – including educational decisions. That does not mean that you cannot continue to be involved in your child's education. It just means that, by law, schools must respect the educational decisions of every adult student, unless that person has been determined to be incapable of making decisions.

The rights that will transfer from you to your child upon reaching the age of majority include:

- Notification of meetings
- Notification and consent for evaluation
- Selection of participants who attend IEP meetings
- Approval of the contents of the IEP.

For those students who may be found legally incompetent and unable to make important life decisions, schools should provide parents with the information necessary to establish their child's legal incompetence and begin guardianship proceedings with local district courts.

Additional Resource:

The National Center on Secondary Education and Transition offers more information about this important topic in its publication, Age of Majority: Preparing Your Child for Making Good Choices available at **http://www.ncset.org/publications/viewdesc.asp?id=318**

How Parents and Schools Can Prepare Students to Understand Their Rights

- Students should understand their disability and be able to advocate for themselves.
- Students should understand why they receive special education services.
- Students should receive written and oral notification of meetings.
- Students should be notified of changes in placement with explanations of why those changes occurred. This notification should be in the communication mode best suited for each individual student.
- Students should participate and assist in the IEP meetings.
- Students should receive explanations of the type and purpose of all evaluations.
- Students should be involved in the interpretation of test results.
- Students should be given the opportunity to review their educational records.
- Students should know their rights under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
- Students should participate in self-advocacy and self-determination training.

Moving On

NEW IDEA 2004 made an important change to the requirement for reevaluations when terminating special education services. Reevaluations were generally required in order to determine that special education and related services are no longer needed. Now, under IDEA 2004, when a student graduates with a regular diploma or reaches the maximum age for receiving special education services as set by the state (turning 22 years of age in most cases), the school district is not required to perform a reevaluation. Instead, the school district must now provide a summary of the student's academic and functional performance. This summary of performance must include recommendations for helping the student meet his or her goals after high school.

The summary of performance is a description of your child's academic achievement and functional performance that includes recommendations to assist him or her in meeting postsecondary goals. The summary may include the information and documentation of your child's abilities and disabilities that will be necessary to access supports and services in post-school activities, such as higher education. It should provide specific, meaningful and understandable information to your child, your family, and any agency, including postsecondary schools, that may provide services to your child after high school.

Your child will want to check with the Disability Services Office at postsecondary schools and with community services agencies to identify any specific information or documentation needed to qualify for support services.

While schools are not required to conduct any new tests or evaluations in order to provide the summary of performance, you and your child should work with the school so that the information provided will be adequate to satisfy the disability documentation required to qualify him or her as a person with a disability under other federal laws such as the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

The IEP team should discuss what needs to be included in your child's summary of performance prior to termination of special education services. You should bring up this topic if it has not already been addressed by the IEP team. It is important to ensure that the information provided in the summary will satisfy any requirements connected with your child's post-school goals. You and your child should specifically request any needed information that is not provided.

Use the **Summary Of Performance Checklist** on page 106 to review the summary proposed by your child's school. The specific information that must be included in your child's summary of performance will vary state by state, so be sure to become familiar with your state's requirements by contacting your Parent Training and Information Center.

IDEA Toolkit

Tools for Chapter 8

Transition Considerations Checklist (Page 105)

Summary Of Performance Checklist (Page 106)

Setting Goals and Planning for the Transition to College

My son, Sal, is a high school senior just outside of New York City. He was first identified at the age of four as a child with a significant language disorder, and then later, as a student with a learning disability and a stuttering disorder. A large part of his current success is related to transition planning, which has helped him gain the academic, emotional and social skills necessary for attaining his goals.

I believe that setting goals for the future should start whenever a child with learning disabilities first communicates his or her frustrations, disappointments and helplessness in school. For us, that moment occurred when Sal was in the third grade. As we were outside enjoying the sunshine, he turned to me and said that he hated his brain because it didn't do what he wanted it to do. That began a very open and honest conversation about learning differences. I reassured him that he would find, with the help of the school, his family and all those that loved him, different ways to learn and succeed. From that day forward, we;ve had frequent conversations about his learning differences.

I have involved Sal in all aspects of his education. In the seventh grade, I invited him to attend his first Annual Review and sit as a member of the Committee on Special Education, designated by New York State. This multidisciplinary team determines a student's abilities and needs and implements an appropriate IEP for eligible students. This first meeting for Sal served as a confirmation that he did have a learning disability.

Attending subsequent meetings allowed him to see how the system worked, find out who was on his "team" and learn how the committee decided on his specific IEP and accommodations. By the time he was in the tenth grade, Sal not only embraced and "owned" his learning disability, he demonstrated confidence and self-assuredness in his ability to request needed support. He understood the process.

Over the years, Sal has benefited from a number of accommodations and program modifications. In ninth grade, his resource room teacher noticed that he performed better if test questions were read to him and/or rephrased. Double time ensured even better success. These and other testing accommodations made a tremendous difference in the ensuing school years.

Preparing for the SATs was a big challenge. Although we enrolled Sal in a well-recognized preparatory course, our request for testing accommodations was a first for them. They could not accommodate double time, but they did accommodate time and a half. For six weeks, he took practice SATs with accommodations. When necessary, questions were read out loud to him.

With the help of his school guidance counselor, Sal applied for testing accommodations for the real SAT according to The College Board requirements. The College Board allowed him to take the test over two days. He tested by himself and, when necessary, questions were read to him. He took the SATs twice. Sal's efforts to achieve an acceptable score were tremendous.

Passing the English regents exam for graduation was no easy task either. Sal spent additional time working with his English and resource room teacher to prepare. Then one day, he called me from school, almost in tears. He had received a passing score of 80!

During our transition planning, Sal learned to own his learning disability, to embrace it, to not be embarrassed of it, to succeed in spite of it and to feel special. And now, this spring, Sal will be graduating from high school with an advanced regents diploma. For this distinction, he had to take a more comprehensive course load and pass eight regents exams. In the fall, Sal will be attending college and playing football on the school team. Here is how he concluded his college essay:

"Special education has actually taught me to think out of the box, to go beyond the conventional way of learning, and to find my strengths. To my peers but more importantly to myself, I have proven that I have the ability to overcome challenges. Special education should not be a limitation; it is a jumping point to an endless world of life's lessons. Individuals with special needs are just different; no better, no worse – just different."

- Monica from New York

Tools for the High School Student with Learning Disabilities

Our daughter Hillary was in the fifth grade when she was originally diagnosed with a language disability. It wasn't until she was a freshman in high school that her disability was given a name: Aphasia. Hillary's Aphasia is both expressive and receptive, meaning that reading, writing, processing information and speaking are all more laborious tasks for her than for other students. At the time of the diagnosis, doctors told us that college was an unrealistic aspiration for Hillary.

Hillary's strong work ethic got her through two difficult years of junior high school. It was clear from the beginning of high school, however, that it was going to take more then hard work and determination to keep Hillary's self-esteem and desire to succeed intact. The increased work load and more complicated subject matter meant hours of studying every night. The results were barely passing grades and a student who was left feeling defeated and worthless. Although Hillary had an Individualized Education Program, neither she nor I were savvy enough to take full advantage of what it offered.

We are very fortunate to live in a school district that offers an innovative high school program called LEAD, an acronym which stands for learning and educating about disabilities. This program, which is unique to Cheyenne Mountain High School in Colorado Springs, is under the direction of the school's Special Education Department Chair. LEAD is an accredited class made up of college-bound students with learning disabilities and AD/HD. During class time, LEAD students learn about disabilities and their legal rights as students with disabilities. They also learn that self-knowledge and self-advocacy are powerful tools for the student with LD and AD/HD.

The LEAD curriculum includes opening up the students' cumulative folders so they can examine and understand their own test scores and assessments. This information helps them support their requests for the accommodations and modifications they might be entitled to. Students learn about their legal rights under the Individuals with Disabilities Education Act and how to actively participate in their own IEP or 504. LEAD students learn not to rely on teachers and parents to advocate for them. It is a responsibility they take on themselves.

During the course of Hillary's four years as a LEAD student, she developed the habit of writing letters to each of her teachers at the beginning of the semester. These letters explained her disability, what accommodations she needed and why. Accompanying the letter were articles on Aphasia she had found on the Internet. Hillary educated teachers about her disability and they not only accepted her need for accommodations, but encouraged her to use them.

LEAD provided a niche for Hillary, a place where she could be accepted and understood. In addition, it taught her to focus on her strengths. One of LEAD's most important lessons is that a learning disability has nothing to do with intelligence. As Hillary's confidence and self-esteem grew, she became more successful at dealing with academic challenges and graduated from high school with an enviable grade point average.

Since its inception, 95% of the high school's LEAD students have gone on to college. Hillary is now one of those students. In spite of dire predictions from well-meaning professionals, Hillary is currently a freshman at a four-year college. Each day is a challenge, but the lessons of LEAD have served her well. She confidently explains to each of her college professors about her disability and how if affects her. She does not hesitate to use the accommodations that she knows she is entitled to. Hillary finished her first semester of college with grades that anyone would be proud of.

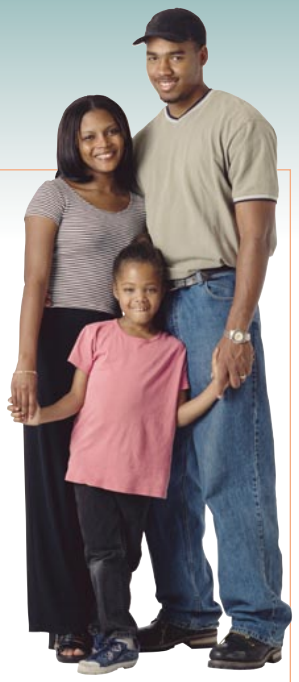
Although LEAD is unique to Cheyenne Mountain High School, it is my hope that some day all schools will offer a similar program that will teach students with learning disabilities the crucial skill of self-advocacy and the importance of self-knowledge. It takes commitment from administrators, parents and teachers, but all students with learning disabilities and AD/HD should be given the necessary tools for success, both in college and in life.

- Salle from Colorado

To learn more about the LEAD program, visit www.leadcolorado.org.

9 Students in Private Schools

Understanding your child's special education options



Who is this for?

This chapter is for parents who have a child attending private elementary, middle or high school or who are considering moving their child from public school to private school.

Why is this important?

NEW IDEA 2004 includes new provisions to ensure that students in private elementary and secondary schools have access to special education services. It also includes strict requirements to follow when moving an IDEA-eligible student from a public to a private school.

What can parents do?

Parents should understand the obligations of their local school district as required by IDEA so they can be sure their child is receiving services to the maximum extent allowed. Parents considering moving a child who is receiving special education services from a public to a private school need to understand the legal requirements involved in making such a move if they intend to ask the school district to pay for the private school.

Words and terms to know

Free Appropriate Public Education (FAPE): Special education and related services that are provided at public expense, under public supervision and direction, and without charge to the parent, and that meet the standards of the state education department. Special education and related services must be provided in conformity with an Individualized Education Program (IEP) as required by IDEA.

The obligations and responsibilities of a local public school district to students with disabilities in private schools vary depending on how the students were placed in the private school. Students with disabilities who are in private schools will fall into one of the following three categories:

1. Students with disabilities placed in private school by their parents prior to being found IDEA eligible (called "Parentally-placed private school children with disabilities" in IDEA)

2. Students with disabilities placed in private school by their parents after being found IDEA eligible (called "Unilateral private placement" in IDEA).

3. Students with disabilities placed in private school by the public school district

1. Students with disabilities placed in private school by their parents prior to being found IDEA eligible
(Parentally-placed private school children with disabilities)

This term refers to students whose parents have enrolled them in a private school, including private religious schools. Students in this category have not been previously found eligible for special education services.

NEW When either the student's parent or the private school requests an evaluation, the school district where the private school is located is responsible for conducting the evaluation (as discussed in Chapter 5) and for determining if the student is eligible for special education services (as discussed in Chapter 6). The school district where the private school is located is also responsible for conducting reevaluations of eligible students.

For those students found eligible, the public school district where the private school is located may provide special education and related services. However, unlike students enrolled in public schools and public charter schools, eligible students in private schools are not entitled to a free appropriate public education. In other words, students enrolled in private schools by their parents do not have the same right to special education and related services as students enrolled in public schools.

Students in private schools who are found eligible for services under IDEA also have the option of enrolling in a public elementary or secondary school in order to receive full access to special education and related services. In such cases, the school district where the student resides is responsible for developing an initial Individualized Education Program (IEP) through the process described in Chapter 7. If the parents have made it clear that they do not intend to enroll their child in the public school, the school district is not required to develop an IEP.

For every eligible student in private school who has been designated by the school district to receive special education services, the school district is required to formulate a "services plan" describing the specific special education or related services being offered. The school district must develop the services plan with a representative of the private school. However, the school district is responsible for determining the number of private school students who will be served each year based on funding requirements of IDEA and for making the final decisions about all aspects of the services being offered.

The amount of funds the school district must spend on providing services to private school students is controlled by a funding formula specified in IDEA. IDEA outlines a process for determining the amount of funds the district must spend on special education or related services for eligible students in private schools.

Special education and related services may be provided to private school students on the premises of private schools, including religious schools, or at a public school. Services can be provided by school district personnel or through contracts by the school district with other individuals or agencies.

NEW Public school districts are now required to actively engage in consultations with private schools and parents of private school students regarding several topics, including:

- Child find (activities related to identifying children who may need special education)
- Funding (how the district will determine the amount of its funds that it will spend on services for students in private schools, how the services will be portioned out to eligible students and, if there are insufficient funds to serve all eligible students, how and when these decisions will be made)
- Provision of services (how, where and by whom special education and related services will be provided).

In addition to these new consultative activities required under IDEA 2004, private school officials now have the right to file a complaint with state education officials if they feel that the local school district did not engage in these consultations in a meaningful and timely way.

2. Students with disabilities placed in private school by their parents after being found IDEA eligible (Unilateral private placement)

Sometimes the parents of a child who is receiving special education at a public school decide to withdraw their child from the public school and enroll him or her in a private school. In such cases, the student is eligible for the provision of special education services at the private school as described in the first category above.

However, if the parents have moved their child for the purpose of obtaining what they consider to be more appropriate special education services and plan to request the public school to pay for the private school tuition, IDEA provides a rigid set of requirements that parents must follow.

If parents choose to place their child in a private school without the school district's agreement, any opportunity to be reimbursed by the school district for the cost of the private school will be severely limited unless the parents provide written notice to the school before removing their child from the public school. Parents who might consider seeking reimbursement for private school tuition should seek additional information from a special education expert to be certain they provide adequate notice to the public school. Contact your state's Parent Training and Information Center for additional information.

3. Students with disabilities placed in private school by the public school district

From time to time, school districts, along with parents, may determine that a student's need for special education programs and services can only be met by placing the student in a private school. This decision is part of the IEP process and is arrived at after the IEP team has identified the student's present levels of educational performance and developed annual goals, as described in Chapter 7: IEPs.
Private school programs that the school district and parents may determine to be necessary can either be day programs or residential programs. The school district pays all costs involved with such a placement, including tuition and transportation. Students placed in private schools by the school district have the same rights, including the right to a free appropriate public education, as their counterparts attending public schools.

Qualifications of Teachers in Private Schools:

Both IDEA 2004 and the No Child Left Behind Act have strict requirements for the qualifications of teachers. However, these requirements do not apply to teachers in private schools, regardless of whether the student was placed in the private school by the parent or the school district.

Parent. Perspectives

A Success Story

They do happen! Be brave! Stay the course! Many of us as parents are fearful when our son or daughter is diagnosed with a learning disability. Will they succeed in school? At work? Will they make friends? What does it take? My son, Scott, is currently 14 years old and in the 8th grade at a school for children with language learning differences. He was identified at an early age as being severely dyslexic, dysgraphic, and having significant visual perceptual difficulties. Intensive intervention was recommended – but no one knew how or where to get the appropriate help.

Getting the right kind of help, at the right time, and with the right people, is essential to seeing progress. Scott's current school and tutoring is entirely Orton-Gillingham based. He is completing his fourth year of this specialized education. This school is an answered prayer – a miracle for him. Not a day goes by that his parents don't breathe a sigh of relief, and feel grateful. But that was after many blind alleys.

When Scott started fifth grade, he was falling behind miserably. He was performing at least two years behind his peers. He went to school every day with a headache and a stomachache. Often there were tears, and he even went to a doctor to see if he was clinically depressed. Since pre-school Scott had received special help in classes, but it wasn't the right kind of help. He was labeled by the public school system as mildly mentally handicapped, and was placed in a cross-categorical classroom for most of the day. Joining his regular class sporadically was difficult. Friendships were difficult, as he felt different than the other kids. Scott experienced so much stress during the day that he was exhausted after school and withdrew from social situations. Outside activities just took too much energy. In the fourth and fifth grade, I would re-teach him concepts covered during the day, and then homework would last up to three painful hours – with much frustration for both parent and child.

After just a few months at his new school, Scott's personality began to emerge. He looked forward to school, and his energy level after school sky-rocketed. He now lifts weights. He's part of a swim team. He has friends both at school and through his after school activities. His homework is actually done without any assistance from me. He is self-assured and comfortable with himself. Reading is still hard work, but he can read anything he might need to in the future. His written expression is coming along nicely, and his confidence continues to grow.

He is optimistic and hopeful about the future, and not ashamed to be dyslexic. It's simply one aspect of who he is. He hopes to be a psychologist with prison inmates, or the next Dr. Phil, as he identifies with people who have obstacles to overcome and desires to lessen their struggle. Due to his difficulties, and then being given the tools to unlock his potential, Scott has developed patience and compassion towards others and himself. He is now eager and ready to try his wings in a regular school setting.

Scott is a testimony to the change that can happen when children with learning disabilities receive the right kind of help, in a timely fashion. Be committed to finding the right resources and people who see the potential in your child – and stay hopeful!

- Julie from Indiana

10 Student Discipline

Addressing serious behavior issues and concerns

Who is this for?

This chapter is for parents whose child may be the subject of disciplinary action by the school or for parents of children with significant behavior issues that may put them at risk for disciplinary action.

Why is this important?

The conditions for disciplining special education students need to be thoroughly understood by parents – preferably before their child is the focus of such actions. While IDEA extends certain protections to special education students, schools can subject them to the same disciplinary actions allowed for all students.

What can parents do?

Parents should understand the discipline provisions of IDEA as well as their school's discipline policy. If their child is at risk for conduct that requires disciplinary action, parents should make sure that behavior and conduct issues are addressed during the IEP process.

Words and terms to know

Functional Behavioral Assessment (FBA): A problem-solving process for addressing student problem behavior. FBA relies on a variety of techniques and strategies to identify the reasons for a specific behavior and to help IEP teams select interventions that directly address the problem behavior.

Behavior Intervention Plan (BIP): A plan to address problem behavior that includes, as appropriate, positive behavioral interventions, strategies, and supports; program modifications; and supplementary aids and services that may be required to address the problem behavior.

Interim Alternative Educational Setting (IAES): A setting other than the student's current placement that enables the student to continue to participate in the general curriculum and to progress toward meeting the goals in his or her IEP. The IAES must enable the student to continue to participate in the general education curriculum, although in another setting, and progress toward meeting the goals set out in the IEP. Students in an IAES should also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again. The particular IAES is determined by the student's IEP team.

Disciplinary Actions of 10 Days or Less

A student with a disability, who has an IEP in effect, can be disciplined like any other student for 10 consecutive school days or less if he or she violates the school's code of conduct.

Disciplinary action generally involves removing students from their current educational settings and placing them in either in-school suspension, out-of-school suspension, or an interim alternative educational setting. During the time the student with an IEP is in one of these other settings, the school is only required to provide educational services (including special education) if the school district also provides educational services to non-disabled students in the same circumstances.

When school personnel decide to discipline a student by removing the student from the current educational placement, the school must notify the parents on the same day the decision is made and provide the parents with a written copy of the notice of Procedural Safeguards.

Code of Conduct:

Schools have a responsibility to make sure that all students, including those receiving special education, are familiar with the school's code of conduct. Parents should be sure to understand the code of conduct and help their child understand the expectations and consequences involved with violating the code. The IEP team should determine any specialized help and instruction the child may need to understand the code and consistently demonstrate the appropriate classroom and school behaviors.

NEW In making a determination to discipline a student with a disability, school personnel may now consider any unique circumstances on a case-by-case basis. This provision provides new flexibility for school personnel who are often operating within a district's "zero-tolerance" policy. A zero-tolerance policy usually requires school personnel to automatically suspend any student who violates the code of conduct.

Disciplinary Actions Beyond 10 Days

For students with a disability whose disciplinary action exceeds 10 consecutive days in the same school year, or when frequent disciplinary actions add up to more than 10 school days in a school year and clearly indicate a pattern, the school must provide special education services that allow the student to:

- Continue to participate in the general education curriculum, although in another setting
- Progress toward meeting the goals outlined in the student's IEP.

The IEP team will meet to determine the exact educational services needed while the student is assigned to the disciplinary setting. In addition, if the behavior is found to be related to the student's disability, the IEP team must plan for a functional behavioral assessment and the development of a behavior intervention plan based on the results of the assessment. If the student already had a behavior intervention plan in place, the IEP team must review if the plan was being followed and revise it as needed to address the problem behavior that led to this disciplinary action. For student's whose behavior is not determined to be directly associated with their disability, the IEP team should consider the need for a functional behavioral assessment and behavior intervention plan.

Additional Resource:

See the publication, IEP Team's Introduction To Functional Behavioral Assessment And Behavior Intervention Plans, available at **http://cecp.air.org/fba/default.asp**.

Relationship between Behavior and Disability

Within 10 days from the beginning of a disciplinary action that exceeds 10 days, the school district, the parents and relevant members of the student's IEP team must meet to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability. This is referred to as a "manifestation determination." The team must also determine if the conduct was the direct result of the school's failure to implement the student's IEP, including a behavior intervention plan.

In making this determination, the IEP team will review:

- The student's IEP
- The student's behavior intervention plan
- Any teacher observations
- Any relevant information provided by the parents.

NEW The manifestation determination – the relationship between behavior and disability – must now be "direct and substantial," which is a change from the previous requirement for finding such a relationship. For example, a student's low self-esteem, while a possible by-product of a learning disability, cannot be considered to have a direct relationship to a student's behavior problem.

If the team finds that the student's behavior was related to the disability or an improperly implemented IEP, the student is returned to the original education setting unless the parents agree to a new placement, which is a new educational setting, as part of the behavior intervention plan.

If, on the other hand, the team finds that the student's behavior was not directly related to the disability, the same disciplinary actions can be imposed on the student with a disability as those imposed on a non-disabled student. Such action could include expulsion. However, if the student is expelled from school, the student must continue to receive educational services that allow him or her to continue to participate in the general education curriculum and progress toward meeting the goals set out in the IEP.

Special Offenses

Certain serious behavior problems can lead to a student being moved to an interim alternative educational setting for up to 45 school days even if the conduct is determined to be related to the student's disability. Removing a student for these offenses does not require parent permission or agreement, nor does it require any involvement by a hearing officer or other impartial third party. These offenses are:

- **Weapons:** If a student carries or possesses a weapon:
  - To or at school
  - On school premises
  - At a school function.

- **Drugs:** If the student knowingly possesses or uses illegal drugs or sells or solicits the sale of illegal drugs while at school or at a school function

- NEW **Serious bodily injury**: If a student has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

Note: Parents should obtain the legal definitions of these offenses from their school district or Parent Training and Information Center.

An additional provision allows a school to seek to remove a student for up to 45 school days if the school believes that returning the student to the same educational placement is substancially likely to result in injury to the student or other students. The school must do this by making a request to a hearing officer.

Appeals

Parents have the right to challenge any decisions made regarding the interim alternative educational setting or the determination regarding the "manifestation determination" by asking for a due process hearing. Schools can also request a hearing if school personnel feel that returning a student to the original educational setting is highly likely to result in injury to the student or to others.

In either case, the hearing must be held within 20 school days of the date requested and the hearing officer must make the decision within 10 school days after the hearing.

NEW During the appeal process, the student remains in the interim alternative educational setting, unless the parent and the school agree otherwise.

Students Not Yet IDEA eligible

Under certain circumstances, the protections available to students with disabilities who are already receiving services under IDEA may also be available to students who do not have an IEP in effect. These circumstances may apply to any students, including those receiving early intervening services discussed in Chapter 1: Pre-referral Services, if:

- The child's parent had expressed concern in writing to school personnel, including the teacher, that their child may be in need of special education prior to the behavior that resulted in the disciplinary action
- The child's parent had requested an evaluation as provided for by IDEA
- The child's teacher or other school personnel had expressed concerns about a pattern of behavior that might call for a referral for evaluation. Such concerns would need to have been made directly to supervisory personnel. For example, a teacher expressing his or her concerns to a parent would not be considered an adequate basis of knowledge

Certain exceptions apply to the above circumstances. They include:

- If the child's parent had not allowed an evaluation of the child or had refused special education services that had been offered as required by IDEA
- If the child had been evaluated as required by IDEA and was not found eligible for special education.

If a request is made to evaluate a student during the time period of the disciplinary action, the school must complete the evaluation as quickly as possible. During the evaluation, the student remains in the interim alternative educational setting while the evaluation is conducted.

Final Word

The provisions regarding student discipline are complex and sometimes confusing. If your child becomes the focus of a disciplinary action, seek information and guidance from expert resources such as your state's Parent Training and Information Center.

11 Dispute Resolution Options

Understanding your options for settling disputes

Who is this for?

This chapter is for parents who either disagree with the school district's assessment or educational program for their child or who believe that the school district has violated any of the requirements of IDEA.

Why is this important?

Ideally, parents and educators will be able to work as partners in all aspects of serving students with disabilities. Good communication between parents and schools will minimize disputes and disagreements. However, when disagreements arise, IDEA provides several avenues for handling such disputes. Parents should be familiar with the options available for settling disputes and for reporting lack of compliance.

What can parents do?

IDEA 2004 has expanded the options available to assist parents and school districts when disagreements arise. These changes are aimed at providing opportunities for dispute resolution – which are less formal, generally less costly, less time consuming and less stressful than more formal options. As in the past, IDEA 2004 also maintains the complaint procedures for reporting violations to your state education department. Parents should be aware of all of these options and should know how to make the best use of them.

Words and terms to know

Mediation: A confidential, voluntary process that allows parties to resolve disputes without a formal due process hearing. An impartial mediator helps the parties to express their views and positions and to understand the other's views and positions. The mediator's role is to facilitate discussion and help parties reach an agreement – not to recommend solutions or take positions or sides.

Due Process Hearing: A formal, quasi-legal procedure before an impartial hearing officer or administrative law judge (or panel of judges) who is not an employee of the state education agency or school district. Both the parents and the school district present arguments and evidence.

Due Process Complaint: A written complaint filed by a parent or a school district involving any matter relating to the identification, evaluation, educational placement or provision of a free appropriate public education to a student with a disability. Due process complaints must be filed within two years of the matter in dispute.

Resolution Session: A mandatory meeting that the school district must convene within 15 days of receiving the parents' due process complaint. The resolution session includes parents, members of the IEP team relevant to the complaint, and a representative of the school district who has decision-making authority.

State Complaint: A written complaint that can be filed by any organization or individual claiming that a school district within the state has either violated a requirement of Part B of IDEA (the part that contains all requirements regarding the delivery of special education services) or the state's special education law or regulations. State complaints must be filed within one year of the alleged violation.

In Chapter 4 you learned about the Procedural Safeguards that protect parents' and students' rights throughout the special education process, including parents' rights to mediation and to present and resolve a complaint through the due process complaint or state complaint process. In this chapter you will learn about the various options for resolving disputes presented through these complaint procedures.

NEW IDEA 2004 expands the dispute resolution options available to parents and school districts to resolve disagreements. It promotes the use of mediation as an early dispute resolution option by allowing mediation prior to filing a due process complaint. It also adds an additional option, called a resolution session, to the array of options that were available in previous versions of IDEA. The options available to parents and school districts under IDEA are arranged from less formal to more formal:

Less formal ← → **More formal**

Mediation > Due Process Complaint > Resolution Session > Due Process Hearing > Civil Suit

Mediation

Mediation is a process of facilitated negotiation between parents and the school. It is a confidential process that allows parties to resolve disputes without a formal due process hearing.

The mediator is a trained, impartial facilitator who helps school staff and parents resolve their disagreement in an informal setting. The mediator facilitates discussion, encourages participants to identify and clarify areas of agreement and disagreement, and helps them generate and evaluate options for a mutually agreeable solution.

The goal in mediation, with the assistance of the mediator, is for the school staff and parents to integrate these options into a workable solution that is written into a legally binding agreement. The agreement is then used to execute the agreed upon services for the student.

NEW IDEA 2004 requires that:

- Mediation is available whether or not a due process hearing is requested
- Mediation must be conducted by a qualified and impartial mediator. Each state must maintain a list of qualified mediators, assign a mediator to a case on a random basis and bear the cost of the mediation process.
- Mediation discussions are kept confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding
- When a resolution is reached, the parties execute a legally binding agreement that is enforceable in a district court. The agreement is binding as soon as it is executed.
- The mediation agreement must include the following:
    - A description of the agreement
    - A statement that all discussions that occurred during the mediation process are kept confidential and may not be used as evidence in any due process hearing or civil proceeding that occurs later
    - Signatures of both the parent and a representative of the school district who has legally binding authority
    - A statement that the agreement is enforceable in state or federal district court.

When successful, mediation can help avoid a due process hearing or other more adversarial procedures.

Your state department of education should have information on mediation, including how to make a request for mediation. Contact your Parent Training and Information Center or state education department for more information.

Due Process Complaint (Request for Hearing)

Either the parent or the school district may request a due process hearing involving any matter relating to the identification, evaluation or educational placement of the child, or the provision of a free appropriate public education.

Your state is required to have a policy on whether the due process hearing is conducted by the state education department or by the local school district.

NEW IDEA 2004 imposes a time limit for requesting a due process hearing. Now, the hearing must be requested within two years of the date the parent or school district knew or should have known about the alleged action that forms the basis of the request for the hearing. (Note: Your state may have its own timeline for filing such complaints. If so, the state time limitation for filing a due process complaint applies.)

There are two conditions in which IDEA's new two-year time limit does not apply:

- If the school district specifically misrepresented that it had resolved the problem when it had not
- If the school district did not provide you with information that IDEA requires it provide to you.

Filing a Due Process Complaint. To request a due process hearing, you must provide the school district or its attorney and your state's department of education with a written notice that includes:

- The name of the student, the home address of the student (or available contact information in the case of a homeless student) and the name of the school the student is attending
- A full description of the nature of the problem, including any action the school district proposed or took prior to the notice and the facts about that action
- Your proposal to resolve the problem, if appropriate.

Your description of the nature of the problem must include every issue that you would like to have addressed at the hearing. Unless the school district agrees, you will not be allowed to bring up any additional issues that have not been included in your complaint. However, you may file a separate request for a due process hearing on a different issue.

Examples of issues that may form the basis of a due process complaint include disagreement between the parents and school regarding:

- The eligibility for special education services
- The method used to deliver the intervention to provide the student's special education services
- The educational setting where special education services will be provided to the student.

Each state department of education must have a model form to assist parents in filing a due process complaint that fulfills the requirements of IDEA. Contact your Parent Training and Information Center or state education department for more information.

What Happens Next. When the state department of education receives the due process complaint (or hearing request), it must immediately assign a hearing officer to the complaint.

Within five days of receiving your hearing request, the hearing officer will determine if your request meets IDEA's requirements for a due process hearing and will notify you in writing.

At the same time, if the school district believes that your hearing request does not meet IDEA's requirements for a due process hearing, they must notify you and the hearing officer in writing within 15 days of receiving the complaint. Likewise, if the school district initiated the due process complaint, you must notify them within 15 days if you feel the complaint does not meet IDEA's requirements.

You should also receive a response from the school district within 10 days of the time they received your hearing request, if you have not already received Prior Written Notice from the school district. The response should include:

- An explanation of why the school district proposed or refused to take the action raised in the request for a due process hearing

- A description of other options that the Individualized Education Program (IEP) team considered and the reasons why those options were rejected
- A description of each evaluation procedure, assessment, record or report the school district used as the basis for the proposed or refused action
- A description of the factors relevant to the school's proposal or refusal.

On the other hand, if the school district filed the request for a due process hearing, you must respond to them in writing within 10 days, and your response must specifically address the issues raised.

The party (parent or school district) that requested the due process hearing may change its request only if one of the following occurs:

- The other party provides written consent and is given the opportunity to resolve the complaint through a meeting
- The hearing officer grants permission. This permission can only be granted up until five days before a due process hearing occurs.

Resolution Session

NEW Within 15 days of the time the parent files a due process complaint, IDEA 2004 requires the school district to hold a meeting between the parents and the relevant members of the IEP team so that the complaint can be discussed. This meeting is called a **resolution session**. The resolution session must include the parents, relevant members of the IEP team and a representative of the school district who is authorized to make decisions for the district.

Specifics of the resolution session include:

- Unless the parents bring an attorney to the meeting, the school district is not allowed to bring one
- While not required, parents may bring an attorney whether or not the school district brings one, but parents' attorney fees for this meeting cannot be reimbursed by the school district
- If an agreement is reached during the resolution session, it is legally binding and must be signed by both parties
- Either party has three business days to consider the agreement and void it if they wish
- If both the parents and the school district agree in writing to waive the resolution session, or to use mediation to resolve their disagreement, the resolution session does not have to be held and the timeline for the due process hearing begins
- Even if the resolution session is held, if the complaint is not resolved to the parents' satisfaction within 30 days, the due process hearing may occur.
- If the parent fails to participate in the meeting the school district may request that the complaint be dismissed by a hearing officer
- If the school district fails to participate in the meeting, the parent may seek the intervention of a hearing officer in order to begin the hearing.

Due Process Hearing

Due process hearings are formal, quasi-judicial procedures in which parents and school personnel present arguments and evidence to an impartial hearing officer or administrative law judge. The hearing officer or administrative law judge is not an employee of the state department of education or the school district.

Many states have timelines by which a due process hearing must be held. If your state does not have a timeline, IDEA requires that the hearing be held and a final decision reached within 45 days of the time the request was filed. Some exceptions to this timeline apply, so be sure to understand all the details of a due process hearing in your state.

If the hearing officer determines that the school district was at fault, parents may be awarded reasonable attorneys' fees.

NEW If the hearing officer determines that a parent's attorney has requested a due process hearing for reasons that were frivolous, unreasonable or without foundation, the hearing officer may award reasonable attorneys' fees to the state

or school district. The hearing officer may also award attorneys' fees to the state or school district if either a parent or the parent's attorney requested a due process hearing for an improper purpose such as to harass, cause unnecessary delay, or needlessly increase the costs of litigation. In such cases, the parent's attorney would be required to pay the award to the state or district.

Settlement Agreements:

Agreements reached as the result of mediation, a resolution session or a due process hearing decision should provide details of all actions and activities to be undertaken by the parties, including any changes to be incorporated into the student's IEP as a result of the settlement. A sample settlement agreement is available at http://www.directionservice.org/cadre/agree3.cfm

Appealing a Due Process Hearing Decision to the State. Some states have a state appeal procedure that allows parents to file an appeal of a due process hearing decision with the state department of education. Information on this appeal procedure is available through your state department of education or Parent Training and Information Center.

Civil Lawsuit

If parents are not satisfied with the results of a due process hearing, they may file a civil suit against the state or school district within 90 days of the date of the decision of the hearing officer (or state level review decision) or within the time limit established by state law.

Filing a civil lawsuit is the most extreme option available to parents. It requires that parents employ an attorney and go through extensive legal proceedings. However, in some cases it is the only option that will resolve the dispute and ensure that the student receives appropriate supports and services to ensure a free appropriate public education as required by IDEA.

Either the parent or school district may file a civil lawsuit. The lawsuit may be filed in federal, district and appellate courts, including the United States Supreme Court.

State Complaints

In addition to the dispute options already discussed, IDEA requires every state to have a complaint procedure that allows any organization or individual to file a complaint alleging that a school district (or districts) has violated any of the provisions of Part B of IDEA – or the state's special education law or regulation.

So, state complaints can be filed for a broader range of issues than those allowed for due process complaints. Also, state complaints can also be filed on behalf of a group of students – allowing for complaints to challenge policies or practices that affect a group of students with disabilities.

School district actions that are violations of IDEA and, therefore, could be the basis for a state complaint include:

- Failure to conduct an evaluation within the required timeframe
- Failure to implement an agreed upon IEP
- Failure to provide Prior Written Notice before changing a student's IEP.

State complaints must be filed within one year of the alleged violation and every state must have procedures for filing complaints that conform to the requirement in IDEA. Information on these procedures should be available from your state's department of education or Parent Training and Information Center.

At a minimum, the state complaint procedures must:

- Provide for an independent, on-site investigation within 60 days after the complaint is filed
- Give the party that filed the complaint an opportunity to submit additional information (either orally or in writing)
- Provide the local school district the opportunity to respond to the complaint
- Provide the local school district the opportunity to engage the complaining party in mediation or some other means of dispute resolution
- Provide for review of all relevant information and issue a written decision that addresses each allegation in the complaint including the reasons for the final decision of the state
- Include procedures for effective implementation of the state's final corrective actions ordered to be undertaken by the school district or districts.

The time in which a complaint must be resolved can be extended through an agreement between the parent (or individual or organization) if all parties agree to use medication or other dispute resolution options.

Final Word

You should use some caution when giving the school written feedback in an attempt to communicate frustration about services for your child. If you have concerns, you should raise them. Just be aware that when you submit a written complaint about your child's services, this may be construed as a formal complaint or due process request. Filing complaints, whether due process complaints or state complaints as allowed by IDEA, is serious business. Before proceeding, you should be well informed and understand federal and state policies about such actions. Be sure to get all available information regarding all complaint options prior to filing a complaint.

Terms to Know

Accommodations: Tools and procedures that provide equal access to instruction and assessment for students with disabilities. Designed to "level the playing field" for students with disabilities, accommodations are generally grouped into the following categories:

- Presentation (e.g., repeat directions, read aloud, use of larger bubbles on answer sheets, etc.)
- Response (e.g., mark answers in book, use reference aids, point, use of computer, etc.)
- Timing/Scheduling (e.g., extended time, frequent breaks, etc.)
- Setting (e.g., study carrel, special lighting, separate room, etc.).

Americans with Disabilities Act: Federal law that protects persons with disabilities from discrimination in the operations of public businesses and governments. For more information see the Overview of the Americans with Disabilities Act on page 71.

Behavior Intervention Plan (BIP): A plan to address problem behavior that includes, as appropriate, positive behavioral interventions, strategies, and supports; program modifications; and supplementary aids and services that may be required to address the problem behavior.

Child with a disability: A child who has a disability as defined in one of the 13 disability categories in IDEA and who needs special education and related services because of the disability; or a child aged 3 through 9 who is experiencing developmental delay.

Child find: Ongoing activities undertaken by states and local school districts to locate, identify, and evaluate all children residing in the state who are suspected of having disabilities so that a free appropriate public education (FAPE) can be made available to all eligible children, including all children in public and private schools, including religious schools.

Courses of study: Middle and high school course work (or classes) that lead to a certain type of diploma and/or are required for post-secondary education.

Curriculum based measurement (CBM): Tools for measuring student competency and progress in the basic skill areas of reading fluency, spelling, mathematics and written language.

Developmental Delay: A disability category states may use for certain students aged three through nine as a way to provide early services for students suspected of having a disability. If used, the definition of developmental delay is determined by the state and may include a child whose development, as measured by appropriate diagnostic tests and procedures, lags behind peers in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who, because of such delays, needs special education and related services.

Disability categories: IDEA disability categories include autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment (e.g., asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia and Tourette syndrome), specific learning disability, (e.g., Perceptual Disabilities, Brain Injury, Minimal Brain Dysfunction, Dyslexia, Developmental Aphasia), speech or language impairment,
traumatic brain injury, visual impairment (including blindness), and developmental delay.

Early intervention services: Services to infants and toddlers provided under Part C of IDEA. Part C established the Program for Infants and Toddlers with Disabilities, a federal grant program that assists states in operating a comprehensive statewide program of early intervention services for infants and toddlers with disabilities, aged birth through age 2 years,

and their families. Early intervention services include multidisciplinary evaluation of needs of children and family-directed identification of the needs of each family as set out in an Individualized Family Service Plan (IFSP).

Due Process Complaint: A written complaint filed by a parent or a school district involving any matter relating to the identification, evaluation, educational placement or provision of a free, appropriate, public education to a student with a disability. Due process complaints must be filed within two years of the matter in dispute.

Due Process Hearing: A formal, quasi-legal procedure before an impartial hearing officer or administrative law judge (or panel of judges) who is not an employee of the state educational agency or school district. Both the parents and the school district present arguments and evidence .

Eligibility: The determination that a student is a child with a disability.

Free Appropriate Public Education (FAPE): Special education and related services that are provided at public expense, under public supervision and direction, and without charge to the parent, and that meet the standards of the state education department. Special education and related services must be provided in conformity with an Individualized Education Program (IEP) as required by IDEA.

Functional Behavioral Assessment (FBA): A problem-solving process for addressing student problem behavior. FBA relies on a variety of techniques and strategies to identify the reasons for a specific behavior and to help IEP teams select interventions that directly address the problem behavior.

Functional skills : Skills needed for independent living, such as cooking, comparison shopping, working with or managing money, using public transportation, and knowing how to be safe in the community.

General education curriculum: The body of knowledge and range of skills that all students in the state are expected to master.

Interim Alternative Educational Setting (IAES): A setting other than the student's current placement that enables the student to continue to receive educational services according to his or her IEP. The IAES must enable the student to continue to participate in the general education curriculum, although in another setting, and progress toward meeting the goals set out in the IEP. Students in an IAES should also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again. The particular IAES is determined by the student's IEP team.

Individualized education program (IEP): A written statement for each child with a disability that is developed, reviewed, and revised according to the requirements of IDEA.

Informed consent: Procedure to ensure that the parent:

- Has been fully informed of all information related to the proposed activity (in his native language, or other mode of communication)
- Understands and agrees in writing to carrying out the activity for which his consent is sought
- Understands that giving consent is voluntary and may be revoked at any time
- Understands that revoking consent will not apply to an activity that has already occurred

Informed consent is required for an evaluation, a reevaluation and for the initial delivery of special education services.

Intervention: A change in instructing the student in the area of learning difficulty to try to improve learning and achieve adequate progress.

Least Restrictive Environment: To the maximum extent appropriate, children with disabilities are to be educated with children who are not disabled. Special classes, separate schooling, or other ways of removing children with disabilities from

the regular educational environment should only occur when the nature or severity of the disability is such that education in regular classes cannot be achieved satisfactorily with the use of supplementary aids and services.

Mediation: A confidential, voluntary process that allows parties to resolve disputes without a formal due process hearing. An impartial mediator helps the parties to express their views and positions and to understand the other's views and positions. The mediator's role is to facilitate discussion and help parties reach an agreement – not to recommend solutions or take positions or sides.

No Child Left Behind: The current version of the Elementary and Secondary Education Act (ESEA)—the principal federal law affecting public education from kindergarten through high school in the United States. For more information see the Overview of No Child Left Behind on page 72.

Parent: A natural, adoptive or foster parent; an individual acting in the place of a natural or adoptive parent; an individual who is legally responsible for the child; a guardian; or a surrogate parent.

Postsecondary education: Formal education or training beyond high school, including college, university, vocational school and trade school.

Pre-referral interventions: Interventions delivered in the student's regular classroom that attempt to improve learning prior to a referral for formal special education evaluation.

Prior Written Notice: A written notice that the school must provide to the parents of a student with a disability within a reasonable time if they wish to:

- Evaluate the student
- Determine whether the student is eligible for special education services
- Change the student's evaluation or educational placement or educational plan (IEP)
- Refuse the parents' request to evaluate their child or change their child's educational plan (IEP) or placement.

Progress monitoring: A scientifically based practice used to assess students' academic performance and evaluate the effectiveness of instruction. Progress monitoring can be implemented with individual students or an entire class.

Related services: Supportive services that are required to assist a child with a disability to benefit from special education. Related services include transportation, developmental and corrective services, speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP, social work services in schools, and parent counseling and training.

Response-to-Intervention (RTI): A comprehensive, multi-step process that closely monitors how the student is responding to different types of services and instruction.

Resolution Session : A mandatory meeting that the school district must convene within 15 days of receiving the parents' due process complaint. The resolution session includes parents, members of the IEP team relevant to the complaint, and a representative of the school district who has decision-making authority.

Section 504 of the Rehabilitation Act: A federal law that requires a school district to provide a free appropriate public education (FAPE) to each child with a disability in the district's jurisdiction. For more information see the Overview of Section 504 on page 74.

School district: The term "school district" and "school" are used to refer to the entity that has legal authority, control and responsibility for public education in a city, county, town (or combination of these), or other subdivision of a state.

Scientific, research-based instruction: Curriculum and educational interventions that are research based and have been proven to be effective for most students.

Special Education: Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education.

Specially designed instruction: Ways that special education professionals adapt the content, methodology (approaches to teaching certain grade level content), or the delivery of instruction to address the unique needs that result from the child's disability. Specially designed instruction should also ensure that the eligible child has access to the general curriculum so that he or she can meet the educational standards of the school district that apply to all children.

Specific Learning Disability: A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage .

State Complaint: A written complaint that can be filed by any organization or individual claiming that a school district within the state has either violated a requirement of Part B of IDEA (the part that contains all requirements regarding the delivery of special education services) or the state's special education law or regulations. State complaints must be filed within one year of the alleged violation.

Summary of performance: A summary of the student's academic achievement and functional performance that includes recommendations to assist the student in meeting his or her postsecondary goals.

Supplemental Aids and Services: Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate. Examples of supplemental aids and services might be assistive technologies such as a computer or adapted physical education.

Transition services: A coordinated set of activities that:

- Improves the academic and functional skills of the student in order to facilitate the student's movement from school to post-school activities such as post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation;
- Is based on the individual student's needs, taking into account his or her strengths, preferences, and interests; and
- Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, the acquisition of daily living skills and functional vocational evaluation.

Universal screening: A step taken by school personnel early in the school year to determine which students are "at risk" for not meeting grade level standards. Universal screening can be accomplished by reviewing a student's recent performance on state or district tests or by administering an academic screening to all students in a given grade. Students whose scores on the screening fall below a certain cut-off point are identified as needing continued progress monitoring and possibly more intensive interventions.

Vocational Rehabilitation Agency: A publicly funded state agency that provides direct and indirect services to youth with disabilities as they transition from school to work, in order to maximize their employability, independence and integration into the workplace and the community.

The Americans with Disabilities Act - An Overview

What is the Americans with Disabilities Act of 1990?

The Americans with Disabilities Act of 1990 (ADA) is a civil rights law that protects individuals with disabilities from discrimination in the workplace, as well as school and other settings. ADA does not provide funding for services or accommodations.

Who is eligible?

There is no specific mention of learning disabilities in ADA. However, the law defines a person as disabled if he or she:

- has a physical or mental impairment which substantially limits one or more major life activities,
- has a record of such an impairment, or
- is regarded as having such an impairment.

Under the law, learning is considered a major life activity. This applies to learning disabilities that affect work activities, too. If a student is eligible for services under Individuals with Disabilities Education Act of 1997 (IDEA), he or she qualifies for protection under ADA.

ADA and School

ADA mandates that reasonable accommodations must be provided to eligible students "to perform essential functions of the job." In other words, a school is required to provide a student with disabilities with those accommodations that help him or her learn most effectively. The requirements this law sets for schools is similar to the expectations set in Section 504 of the Rehabilitation Act of 1973.

Unlike Section 504 and IDEA, ADA does not make schools responsible for the free and appropriate education of all children. However, the protections that are guaranteed by ADA apply to public and private schools equally. These protections do not extend to organizations controlled by religious groups.

ADA and the Workplace

ADA prohibits discrimination against "qualified individuals with disabilities" in all employment practices, including job application procedures, hiring, firing, advancement, compensation and training. A "qualified individual with disabilities" is an employee or job applicant who meets all legitimate skill, experience, education and other requirements of a position and can perform the essential functions of the position with or without reasonable accommodation.

An employer may not ask about a learning disability, with one exception. If an employer has affirmative action requirements as part of a federal contract, a job applicant may be asked to "self-identify." However, the employer must keep all information regarding disabilities in a separate, confidential file apart from regular personnel files.

If an employee requires accommodations in order to perform a job, he or she must disclose information about the disability and the need for specific accommodations to the employer. Even after disclosure, an employer is not required to make an accommodation that would prove an "undue hardship."

The safeguards regarding discrimination against individuals with disabilities are under the same procedures applicable to race, color, sex, national origin and religious discrimination under the Civil Rights Acts of 1964 and 1991. Complaints against employers who violate the ADA should be filed with Equal Employment Opportunity Commission or the designated state human rights agencies.

The No Child Left Behind Act - An Overview

What is the No Child Left Behind Act?

The No Child Left Behind Act of 2001 (NCLB) is the current version of the *Elementary and Secondary Education Act (ESEA)* – the principal federal law affecting public education from kindergarten through high school in the United States. The ESEA was originally passed in 1965. NCLB is important legislation for students with learning disabilities (LD), because it ensures that they reach high levels of academic standards, just like other children in America's public schools today.

NCLB is based on four principles of educational reform – (1) stronger accountability for results, (2) increased flexibility and local control, (3) expanded options for parents and (4) an emphasis on teaching qualifications and methods. Of these four, accountability for results is the principle that has the potential to greatly improve the educational results for children with LD.

How does NCLB hold schools accountable for results?
Several critical elements in NCLB ensure that schools are held accountable for educational results so that the best education possible is provided to each and every student. The three most critical elements to understand are:

- academic content standards (what students should learn)
- academic achievement standards (how well they should learn)
- state assessments (whether a school is teaching all students successfully)

Academic content standards and academic achievement standards in reading and mathematics have been defined by each state (science will be added in 2007-2008). These standards define what all children should know and be able to do to be considered "proficient." Information about each state's standards should be available on the state's education department Web site and in print materials.

State assessments are the way schools must prove that they have successfully taught their students. By 2005-2006, all states must provide assessments that are appropriate for all students in grades 3 through 8 and once in high school. These assessments must include students with disabilities. Schools must also provide the accommodations and alternate assessments that may be needed by students with disabilities. Accommodations are changes to the assessment materials or procedures that allow students to demonstrate their knowledge and skills rather than the effects of their disabilities. Students with learning disabilities should be participating in the state assessments with or without accommodations. Alternate assessments are the assessments designed to measure the performance of students with disabilities who are unable to participate in state and district assessments even with appropriate accommodations. These alternate assessments are typically designed for students with complex disabilities and would not be appropriate for students with learning disabilities.

How does NCLB work with the Individuals with Disabilities Education Act (IDEA)?

IDEA specifically provides services to students with disabilities. Each student served under IDEA has an Individualized Education Program (IEP) that defines the special education and related services needed by the student. NCLB holds schools accountable for the educational outcomes of those children, as well as all others. In the past, students with disabilities were frequently left out of state and district level assessment and accountability systems; and in many cases did not have access to the general curriculum on which these assessments are based. Because this type of access and assessment did not happen, there was no external measure to indicate whether special education students were learning enough to move on to a post-secondary education or to get a job.

The IEP that is designed for each individual IDEA-eligible student must address how that student will participate in state assessments. Students with disabilities may participate in state assessments in the same way as other students, or with accommodations or by participating in alternate assessments. The IEP team should not be deciding whether a student will participate is state assessments, but how, so as to hold the educational system responsible for the student's learning. If the IEP team determines that an accommodation or modification needed by a child will invalidate a test's results for state accountability (such as, perhaps, having questions read aloud to the student), the team should decide how that student can appropriately be assessed through alternate methods.

Why is it so important that children with learning disabilities be included in state assessments?

No Child Left Behind is intended to improve the education of all children. As part of the law, all states are required to release easy-to-read, detailed report cards every year to provide parents and the general public with a measure of how schools are doing. These report cards must include information on how students in each district, as well as each school, performed on state assessments. The report cards must state student performance on three levels: basic, proficient, and advanced. The data must also be broken down by various student subgroups, including students with disabilities. Just like all other subgroups, NCLB requires that students with disabilities reach proficient levels of achievement. This is not extra pressure on the children. This is a mandate for schools to provide a better education for students with disabilities, including learning disabilities.

In addition, each state is required to set Adequate Yearly Progress (AYP) standards that schools must meet. In defining AYP, each state must set the minimum levels of improvement – measurable in terms of student performance – that school districts and schools must achieve within the time frame specified by the law. Basically, states have to continue to raise the bar on academic achievement, and by 2013-2014 all subgroups in all schools in all states must be achieving proficient levels in reading and math on state assessments. This includes students with learning disabilities. Unlike in the past, NCLB is setting a way (the state assessments) for schools to be held accountable for what their students with learning disabilities are learning and achieving.

How else does NCLB set out to improve public education?

Here is a brief summary of other ways NCLB will ensure a better education for students with LD:

Increased flexibility and local control

NCLB gives both states and local school districts greater flexibility in the use of federal funds than they previously had. This flexibility allows for the reallocation of certain funds to programs dedicated to teacher quality improvement, technology, safe and drug-free schools, and many others. This flexibility is dependent on improved results on state assessments and does not include IDEA funds, or the possibility of transferring money out of Title 1* programs.

Expanded options for parents

Under NCLB, all parents must receive local and district report cards before the beginning of every school year. If a Title I school fails to meet its AYP goal for two consecutive years, parents may choose to place their children in non-failing schools in their district. Under NCLB, schools districts must pay the cost of transporting students to the other public school. Schools must also offer supplemental services to the children remaining there, including tutoring, after-school programs and summer school paid for by the district.

Improved teaching qualifications

NCLB requires that by the end of the 2005-2006 school year, all teachers will be highly qualified. That means they hold at least a bachelor's degree and have passed a state test of subject knowledge. Elementary school teachers must demonstrate knowledge of teaching math and reading; while teachers in higher grades must demonstrate knowledge of the subject they teach, or must have majored in the subject. The specifics regarding teaching qualifications for special education teachers are expected to be established as part of the next reauthorization of the IDEA.

* **Title I:** Title I of the Elementary and Secondary Education Act provides remedial education programs to poor and disadvantaged children in nearly every school district in the country. Schools receive federal funding based on the number of children who qualify for free and reduced lunch.

Section 504 of the Rehabilitation Act of 1973 - An Overview

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities, public or private, that receive federal financial assistance. The law does not provide funding for special education or related services, but it does permit the federal government to take funding away from programs that do not comply with the law.

How does an individual qualify as disabled under Section 504?

There is no specific mention of learning disabilities in Section 504, however the law defines a person as disabled if he or she:

- has a physical or mental impairment which substantially limits one or more major life activities,
- has a record of such an impairment, or
- is regarded as having such an impairment.

Under the regulation, learning is considered a major life activity. As a general rule, if a child is eligible for services under IDEA, he or she qualifies for protection under Section 504. However, not all students covered by Section 504 are eligible for IDEA related services. Section 504 has much broader definitions of disability and so it pertains to many more people.

What does an evaluation involve?

For school-age children, If parents (or guardians) believe their child should qualify for protections under Section 504, they should contact their child's school about an evaluation. The law mandates that an evaluation must include a variety of assessment tools that will accurately demonstrate the child's specific areas of educational need. The evaluation process should also consider various other factors, such as teacher recommendations, physical condition, social and cultural background, behavior and any independent evaluations. Evaluation and service decisions are made by a multi-disciplinary team of people familiar with the child, who understand the means of evaluation and the special service options. Section 504 requires the use of evaluation procedures that ensure that a child is not misclassified, unnecessarily labeled as having a disability or incorrectly placed. The child must be re-evaluated periodically.

What happens if a child is eligible for services under Section 504?

If a child is considered disabled under Section 504, school district personnel must create a Section 504 plan. If that child is also eligible for services under IDEA, then in most cases the Individualized Education Program (IEP) will take the place of a Section 504 plan. Some school districts use a separate form.

In order to determine what kind of services would be most appropriate for a child, a team of regular and special education teachers, as well as the school principal, will meet to consider the child's disability, how it affects the child's education and what services would be most helpful. Parents (or guardians) should be present for all planning sessions regarding their child.

What services are available under Section 504?

Section 504 clearly states that a free and appropriate education must be made available to all qualified students with disabilities. The educational needs of students with disabilities must be met as adequately as the needs of students without disabilities.

A child may be placed in regular education classes with accommodations such as a tape recorder, extended time for test taking or special services such as after school tutoring. Modifications in academic requirements and expectations may also be considered. In each case, the individual educational needs of the child should be addressed in the least restrictive environment (LRE) possible.

What is the role of a parent under Section 504?

Under Section 504, a child's school district must receive permission from a parent (or guardian) to evaluate the child. Parents should also ask to participate in all aspects of planning and decision-making for the child's education.

Once a child has been evaluated the school must notify the parents (or guardians) about the results and any decisions that are made. If the parents disagree with any decisions the child's school makes, both the parents and the school have the right to use mediation to resolve any differences of opinion.

Reading Instruction Checklist

Your school's reading program should include the **five essential components of reading instruction** that research has identified:

1. **Phonemic Awareness**
2. **Phonics**
3. **Fluency**
4. **Vocabulary**
5. **Reading Comprehension**

Use the checklist below to determine if each component is a part of the reading program your school is using.

- **Phonemic Awareness**—Phonemic awareness is knowing that words are made of individual sounds and being aware of and able to manipulate these sounds, which are called phonemes. Phonemes are the smallest parts of sound in a spoken word, such as the /s/ in /sit/. Your child should be able to perceive individual sounds, think about them, and manipulate them. For example, your child should be able to perform the following activities:

  - Rhyming (the fat cat Pat)
  - Picking out syllables in spoken words (Su-san)
  - Knowing the first and last sounds in a word (ran, can; sit, it)
  - Separating the sounds in a word (/s/-/i/-/t/)

Teaching sounds along with the letters of the alphabet is important—it can help your child to see how sounds are related to reading and writing. If your child does not know letter names and shapes, teach them along with phonemic awareness.

Understanding phonemes is essential to phonics instruction, described next. Make sure that your child's reading program explicitly teaches phonemic awareness, and if your child does not understand phonemes, ask the teacher for extra help in this area.

- **Phonics**—Phonics is the relationship between sounds and letters. Children must understand that letters are representations of sounds before they can learn to read. Phonics instruction teaches children letter-sound correspondences and the alphabetic principle—that there are systematic and predictable relationships between written letters and spoken sounds.

Phonics instruction is most effective when it begins early—in kindergarten or first grade—and lasts for about two years. For older students (grades 2-6), ongoing phonics instruction can help bolster skills in reading individual words and reading text out loud, but they also need instruction in spelling, reading fluency, and comprehension...
If your child is in kindergarten, first, or second grade, make sure that systematic and explicit phonics instruction is included as part of the reading curriculum. If your child is older and having trouble learning to read, find out if he would benefit by having phonics added to his program.

- **Fluency**—Fluency is the ability to read a text accurately and quickly. Because fluent readers do not have to concentrate on recognizing the words, they can focus their attention on what the text means. Fluent readers group words to help them understand what they read, so fluency builds a bridge between word recognition and comprehension.

Fluency depends on what readers are reading, their familiarity with the words, and the amount of practice they have had. Fluency develops as a result of many opportunities to practice reading successfully. Continued reading practice helps word recognition become more automatic, rapid, and effortless.

Students need instruction in fluency, especially those who are struggling. In addition to providing instruction, teachers should assess fluency regularly to make sure students are making progress. Monitoring your child's progress in reading fluency will help the teacher determine if instruction is effective, as well as providing information needed to set instructional goals.

- **Vocabulary**—Vocabulary is knowing words and knowing what they mean. There are four types of vocabulary: listening vocabulary, speaking vocabulary, reading vocabulary, and writing vocabulary. For every child, each of these vocabularies may include different, but overlapping, sets of words. Beginning readers use their oral vocabularies as they recognize the sounds in words they are reading. It is much easier for them to read words that are already part of their oral vocabularies.

Children learn vocabulary both indirectly and directly. They learn directly when they are plainly taught individual words and word-learning strategies, such as how to use dictionaries, how to use parts of words to figure out meaning, and how to use context to find clues to word meanings. They learn indirectly through conversation, listening to adults read to them, and reading on their own.

Your child's reading program should include direct teaching of vocabulary as well as opportunities for indirect learning. The teacher should promote word consciousness (an awareness of and interest in words) and should encourage students to engage in word play (e.g., puns – such as "When you use glue in class, it paste to be careful."), do research into the history of a word, search for examples of a word in their everyday lives (e.g., by reading signs or cereal boxes), and point out how authors have chosen specific words to convey exactly what they mean.

- **Reading Comprehension**—Reading comprehension is being able to understand, remember, and communicate what has been read.

Reading to learn subject matter does not occur automatically once students have learned to read; strategies for taking the meaning from text need to be taught. At all grade levels, students can benefit from instruction in how to make sense out of text and how to construct meaning.

Comprehension strategies should be part of your child's reading program. Comprehension strategies are conscious plans—sets of steps that are used to make sense of the text. Students who use comprehension strategies know when they understand what they read and when they do not. They monitor their own comprehension.

Checklist for Home-School Communications

It's important to establish and maintain strong home-school communications to get the best help for your child. Use this checklist as a guide to get you started.

- Keep communications open with your child's teacher, and listen carefully if she describes problems with aspects of your child's learning. If you think the problems are serious enough to require special attention, ask the teacher if alternate instructional approaches might help address the problem and ask if any have been tried.
- Keep track of the instructional practices used to help address your child's problems and record how well they assisted your child's learning.
- Ask about the availability of research findings that show the effectiveness of the instructional practices or behavioral programs being used.
- Discuss whether there are cultural factors that might make a difference. If so, explain your child's background so the teacher and other educators can understand your child's behavior and actions. The information provided by parents and family members can be crucial to understanding a child's learning difficulties.
- Try to understand the way your child learns and be able to communicate what you think will help the teacher better understand your child's specific learning style. Observe and provide all the information you can to help the educators develop a better understanding of it.
- Find out if supplementary educational services such as tutoring are available at your child's school and investigate the programs to see if any would benefit your child.

Ten Questions to Ask about Response-to-Intervention (RTI)

1.	Is the school district currently using an RTI process to provide additional support to struggling students? If not, do they plan to?
2.	What screening procedures are used to identify students in need of intervention?
3.	What are the interventions being used? What research supports their effectiveness?
4.	What process is used to determine the intervention that will be provided?
5.	What length of time is allowed for an intervention before determining if the student is making adequate progress?
6.	What strategy is being used to monitor student progress?
7.	Is a written intervention plan provided to parents as part of the RTI process?
8.	Is the teacher or other person responsible for providing the interventions trained in using them?
9.	When and how will information about a student's performance and progress be provided?
10.	At what point in the RTI process are students who are suspected of having a learning disability referred for formal evaluation?

Learning Disabilities Checklist

Most people have problems with learning and behavior from time to time. During the school years, parents and educators should be on the alert for consistent (and persistent) patterns of difficulty that children and adolescents may experience over time as they may signal an underlying learning disability (LD). While variations in the course of development are to be expected, unevenness or lags in the mastery of skills and behaviors, even with children as young as 4 or 5, should not be ignored. And because LD can co-occur with other disorders, it's important to keep careful and complete records of observations and impressions so they can be shared among parent, educators and related service providers when making important decisions about needed services and supports.

Keep in mind that LD is a term that describes a heterogeneous ('mixed bag') group of disorders that impact listening, speaking, reading, writing, reasoning, math, and social skills. And remember: learning disabilities do not go away! A learning disability is not something that can be outgrown or that is 'cured' by medication, therapy, or expert tutoring. So, early recognition of warning signs, well-targeted screening and assessment, effective intervention, and ongoing monitoring of progress are critical to helping individuals with LD to succeed in school, in the workplace, and in life.

The following Learning Disabilities Checklist is designed as a helpful guide and not as a tool to pinpoint specific learning disabilities. The more characteristics you check, the more likely that the individual described is at risk for (or shows signs of) learning disabilities. When filling out this form, think about the person's behavior over at least the past six months. And when you're done, don't wait to seek assistance from school personnel or other professionals.

DOMAINS AND BEHAVIORS Shaded area indicates a characteristic is more likely to apply at that stage of life. Check all that apply	Pre-school/ Kinder-garten	Grades 1-4	Grades 5-8	High School & Adult
Gross and Fine Motor Skills				
Appears awkward and clumsy, dropping, spilling, or knocking things over				
Has limited success with games and activities that demand eye-hand coordination (i.e., piano lessons, basketball, baseball)				
Has trouble with buttons, hooks, snaps, zippers and trouble learning to tie shoes				
Creates art work that is immature for age				
Demonstrates poor ability to color or write 'within the lines'				
Grasps pencil awkwardly, resulting in poor handwriting				
Experiences difficulty using small objects or items that demand precision (i.e., Legos, puzzle pieces, tweezers, scissors)				
Dislikes and avoids writing and drawing tasks				

DOMAINS AND BEHAVIORS Shaded area indicates a characteristic is more likely to apply at that stage of life. Check all that apply	Pre-school/ Kinder-garten	Grades 1-4	Grades 5-8	High School & Adult
Language				
Demonstrates early delays in learning to speak				
Has difficulty modulating voice (i.e., too soft, too loud)				
Has trouble naming people or objects				
Has difficulty staying on topic				
Inserts invented words into conversation				
Has difficulty re-telling what has just been said				
Uses vague, imprecise language and has a limited vocabulary				
Demonstrates slow and halting speech, using lots of fillers (i.e., uh, um, and, you know, so)				
Uses poor grammar or misuses words in conversation				
Mispronounces words frequently				
Confuses words with others that sound similar				
Inserts malapropisms ('slips of the tongue') into conversation (i.e., a rolling stone gathers no moths; he was a man of great statue)				
Has difficulty rhyming				
Has limited interest in books or stories				
Has difficulty understanding instructions or directions				
Has trouble understanding idioms, proverbs, colloquialisms, humor, and/or puns (note: take into account regional and cultural factors)				
Has difficulty with pragmatic skills (i.e., understands the relationship between speaker and listener, stays on topic, gauges the listeners degree of knowledge, makes inferences based on a speaker's verbal and non-verbal cues)				
Reading				
Confuses similar-looking letters and numbers				
Has difficulty recognizing and remembering sight words				
Frequently looses place while reading				
Confuses similar-looking words (i.e., beard/bread)				
Reverses letter order in words (i.e., saw/was)				
Demonstrates poor memory for printed words				
Has weak comprehension of ideas and themes				
Has significant trouble learning to read				

DOMAINS AND BEHAVIORS Shaded area indicates a characteristic is more likely to apply at that stage of life. Check all that apply	Pre-school/ Kinder-garten	Grades 1-4	Grades 5-8	High School & Adult
Reading, cont…				
Has trouble naming letters				
Has problems associating letter and sounds, understanding the difference between sounds in words or blending sounds into words				
Guesses at unfamiliar words rather than using word analysis skills				
Reads slowly				
Substitutes or leaves out words while reading				
Has poor retention of new vocabulary				
Dislikes and avoids reading or reads reluctantly				
Written Language				
Dislikes and avoids writing and copying				
Demonstrates delays in learning to copy and write				
Writing is messy and incomplete, with many cross outs and erasures				
Has difficulty remembering shapes of letter and numerals				
Frequently reverses letters, numbers and symbols				
Uses uneven spacing between letters and words, and has trouble staying 'on the line'				
Copies inaccurately (i.e., confuses similar-looking letters and numbers)				
Spells poorly and inconsistently (i.e., the same word appears differently other places in the same document)				
Has difficulty proofreading and self-correcting work				
Has difficulty preparing outlines and organizing written assignments				
Fails to develop ideas in writing so written work is incomplete and too brief				
Expresses written ideas in a disorganized way				
Math				
Has difficulty with simple counting and one-to-one correspondence between number symbols and items/objects				
Difficulty mastering number knowledge (i.e. recognition of quantities without counting)				
Has difficulty with learning and memorizing basic addition and subtraction facts				
Has difficulty learning strategic counting principles (i.e. by 2, 5, 10, 100)				

DOMAINS AND BEHAVIORS Shaded area indicates a characteristic is more likely to apply at that stage of life. Check all that apply	Pre-school/ Kinder-garten	Grades 1-4	Grades 5-8	High School & Adult
Math, cont…				
Poorly aligns numbers resulting in computation errors				
Has difficulty estimating quantity (i.e., quantity, value)				
Has difficulty with comparisons (i.e., less than, greater than)				
Has trouble telling time				
Has trouble conceptualizing the passage of time				
Has difficulty counting rapidly or making calculations				
Has trouble learning multiplication tables, formulas and rules				
Has trouble interpreting graphs and charts				
Social/Emotional				
Does not pick up on other people's mood/feelings (i.e., may say the wrong thing at the wrong time)				
May not detect or respond appropriately to teasing				
Has difficulty 'joining in' and maintaining positive social status in a peer group				
Has trouble knowing how to share/express feelings				
Has trouble 'getting to the point' (i.e., gets bogged down in details in conversation)				
Has difficulty with self-control when frustrated				
Has difficulty dealing with group pressure, embarrassment and unexpected challenges				
Has trouble setting realistic social goals				
Has trouble evaluating personal social strengths and challenges				
Is doubtful of own abilities and is prone to attribute successes to luck or outside influences rather than hard work				
Attention				
Fails to pay close attention to details or makes careless mistakes in schoolwork, work, or other activities				
Has difficulty sustaining attention in work tasks or play activities				
Does not follow through on instructions and fails to finish schoolwork, chores, or duties in the workplace				
Has difficulty organizing tasks and activities				

DOMAINS AND BEHAVIORS Shaded area indicates a characteristic is more likely to apply at that stage of life. Check all that apply	Pre-school/ Kinder-garten	Grades 1-4	Grades 5-8	High School & Adult
Attention, cont…				
Avoids, dislikes, or is reluctant to engage in tasks that require sustained mental effort such as homework and organizing work tasks				
Loses things consistently that are necessary for tasks/activities (i.e., toys, school assignments, pencils, books, or tools)				
Is easily distracted by outside influences				
Is forgetful in daily/routine activities				
Other				
Confuses left and right				
Has a poor sense of direction; slow to learn the way around a new place; easily lost or confused in unfamiliar surroundings				
Finds it hard to judge speed and distance (i.e., hard to play certain games, drive a car)				
Trouble reading charts and maps				
Is disorganized and poor at planning				
Often loses things				
Is slow to learn new games and master puzzles				
Has difficulty listening and taking notes at the same time				
Performs inconsistently on tasks from one day to the next				
Has difficulty generalizing (applying) skills from one situation to another				

Types of Records a Parent Should Keep

- Report cards and progress reports
- Standardized test scores
- Evaluation results
- Medical records related to disability or ability to learn
- Individualized Education Programs (IEPs) and other official services plans such as 504 plans
- Awards received by the child
- Notices of disciplinary actions
- Notes on your child's behavior or progress
- Letters or notes to and from the school or teacher, special educators, evaluators, and administrators
- Notices of meetings scheduled
- Student handbook and policies
- Attendance records
- Calendar of meetings
- Samples of schoolwork
- It is also important that you have a **communications log**. In a notebook, keep track of your communications with the school, including:
  - records of meetings and their outcomes
  - dates you sent or received important documents
  - dates you gave the school important information
  - dates of suspension or other disciplinary action
  - notes on telephone conversations (including dates, person with whom you spoke, and a short description of the conversation)

Worksheet for Organizing Your Concerns about School-Related Problems

List your concern briefly in column 1.

What data can you provide to support your concern? Give examples in Column 2.

If you think your concern may be related to any disability or condition, identify that in Column 3. If you're not sure what is causing a problem, leave Column 3 blank for that concern.

Now stop and think about what you are asking the school to do. If you want the school to evaluate or test your child, use Column 4. If not, skip that column. You do not need to know the names of specific tests, just describe the type of testing that is needed to provide information that addresses your concern.

If you think your child needs an instructional interventions, accommodations or remedial services (described below), list those in Column 5.

Column 6 is for your record keeping. When you meet with school personnel, note any agreements you have reached with them, who made the agreement and when.

A sample chart is provided; following that is a blank chart for you to print and fill in.

Accommodations: Changes in presentation (e.g., repeat directions, read aloud, use of larger bubbles on answer sheets, etc.), response (e.g., mark answers in book, use reference aids, point, use of computer etc.), timing/scheduling (e.g., extended time, frequent breaks, etc.) or setting (e.g., study carrel, special lighting, separate room, etc.).

Instructional Intervention: Change in instruction that attempts to improve student learning in area of difficulty.

Remedial services: Supplemental instruction available through programs such as Title I, IDEA.

Worksheet for Concerns about School-Related Problems

Column 1 List Your Concerns	Column 2 Evidence or Indications of Problem	Column 3 Factors that Might Be Related to the Problem	Column 4 Kind of Assessment Needed	Column 5 Interventions, Accommodations or Special Services Needed	Column 6 Agreements Reached
Angela reads slowly and confuses words when reading	Teacher's notes and report cards mention the problem	Angela wears glasses and may not be able to see the words well	Vision assessment	Extra time for reading, Reading remediation	Teacher agreed 3/16 to provide Angela with extra help in reading while she is waiting to be assessed.
Mispronounces words when reading aloud	Tape recording		Phonics assessment	Extra phonics assistance	
Angela has problems getting organized to do her homework	Forgets assignments, can't find paper and pencil, can't seem to focus	Overall, she seems very disorganized	Assessment of executive functions	Homework planner and a system to help her remember assignments; extra set of books at home, desk organizer at home	I agreed 3/16 with teacher to help her get started on assignments.
Has problems with spelling, doesn't recognize root words	Poor grades, teacher's notes, spelling tests	May stem from reading problems		Tutoring with spelling?	Teacher agreed 3/16 to give additional spelling instruction.

Worksheet for Concerns about School-Related Problems

Column 1 List Your Concerns	Column 2 Evidence or Indications of Problem	Column 3 Factors that Might Be Related to the Problem	Column 4 Kind of Assessment Needed	Column 5 Interventions, Accommodations or Special Services Needed	Column 6 Agreements Reached

Adapted with permission from Leslie E. Packer, Ph.D. http://www.tourettesyndrome.net

Sample Letter Requesting Evaluation

Your Name
Your Street Address
Your City and State
Your Phone Number

Date

Principal's Name
School Name
School Address

Reference: Student's Name
DOB: Student's date of birth
School: Name of School and enrolled grade

Dear XXXXXXX:

I am writing to you because my child is experiencing difficulties in school.

My child is having difficulties with XXX (provide detailed information on problems, including specifics such as grades, test scores, teacher comments, observations, reports from doctors, etc.)

For these reasons, I believe that it is crucial for CHILD'S NAME to be evaluated. I understand that you will send me an evaluation plan explaining the tests that may be given to my child. Once you receive my approval for the evaluation, would you please let me know when the evaluation will be scheduled?

I would also appreciate any other information you have regarding the evaluation, how eligibility is determined, and the general Individualized Education Program (IEP) process.

If you need more information, please call me at home (your home phone) or at work (your work phone).

Thank you very much for your kind assistance. I look forward to your prompt reply.

Sincerely,

Your name
Your contact information

Questions to Ask About Evaluation Plans

Ask these questions to learn about the proposed evaluation plan, such as the timeframe for the evaluation and the opportunities available for parent input.

1.	What is the school district's timeframe for completion of the evaluation? Is the timeframe in calendar days or school days?
2.	What do the proposed tests measure? (Proposed tests frequently measure: academic skill level in reading, math, writing and spelling; intellectual ability; and speech or language development.)
3.	Does the evaluation include a parent interview ? (A parent interview gives you the chance to provide your own observations of the child, express your concerns, and ask that your input be included in the evaluation report.)
4.	Does the proposed evaluation address all of your concerns about your child? (Use the Worksheet for Organizing Your Concerns about School-Related Problems to be sure all of your concerns are addressed.)
5.	How are the tests administered during the evaluation? Is this a good means of communicating with your child?
6.	Who will do the evaluation and what specific expertise, training and experience do they have with these particular assessments?
7.	How soon after the evaluation is completed will the report be available?
8.	How are the test results expressed and what do they mean? (e.g., numeric scores, descriptive statements, percentiles, grade levels)
9.	Will the results be explained in a way that is easy to understand?
10.	Can I meet with the evaluator or school representative to discuss the results privately?
11.	Will the evaluation results provide information to help develop specific recommendations about classroom strategies, teaching methods and services and programs for my child?
12.	What is the school district's process for amending, or revising, the evaluation report?
13.	What is the school district's process for requesting an independent educational evaluation (IEE)?

Sample Letter Requesting Evaluation Report

Your Name
Your Street Address
Your City and State
Your Phone Number

Date

Evaluation Team Leader
School Name
School Address

Reference: Student's Name
DOB: Student's date of birth
School: Name of School and enrolled grade

Dear XXXXXXX:

Thank you for your assistance in preparing the evaluation plan for my child. I look forward to completion of the evaluation and look forward to your report.

Would you please provide a copy of the report to me as soon as it is available? This will allow me sufficient time to review the results prior to any meeting that determines my child's eligibility for special education services.

Thank you very much for your kind assistance. I look forward to working with you and your staff.

Sincerely,

Your name
Your contact information

Questions to Ask about Your Child's Eligibility Determination

Consider asking the school's representative these questions before the eligibility determination meeting in order to be prepared and ready to participate!

1.	Will I be given sufficient time to review my child's evaluation report prior to the eligibility meeting?
2.	If I have questions about my child's evaluation report, how will I get my questions answered prior to the eligibility meeting?
3.	May I bring other individuals to the eligibility meeting with me? What is the school district's policy regarding other non-school attendees?
4.	What is the school district's current policy regarding the determination of a specific learning disability?
5.	If my child is found eligible, will the school district plan to develop the initial IEP at the same meeting?
6.	If my child is found not eligible, will the school district consider an evaluation for eligibility under Section 504?

Sample Letter Regarding IEP Team Member Excusal

Your Name
Your Street Address
Your City and State
Your Phone Number

Date

Name of IEP Team Leader or School Principal
School Name
School Address

Reference: Student's Name
DOB: Student's date of birth
School: Name of School and enrolled grade

Dear XXXXXXX:

I look forward to our meeting to formulate the Individualized Education Program for [student's name].

I am aware that IDEA 2004 now allows for certain IEP team members to be excused from attending this meeting upon my written agreement. While I understand that bringing together the full IEP team can be difficult, I consider the attendance of all required IEP team members critical to the development of an appropriate IEP for my child. Therefore, I will not excuse any member from attending.

Thank you very much for your continuing assistance. I look forward to working with you and your staff.

Sincerely,

Your name
Your contact information

IEP Meeting Planner

Use this planner to get the most out of IEP meetings and special education services for your child.

Before the Meeting (at least 2 weeks prior to the meeting)

Check When Complete	WHAT TO DO
	Visit your child's classroom If your child is elementary age, you should consider visiting the classroom to observe how your child is performing in class, classroom conditions and routines, instructional materials being used. Classroom visits should be arranged in advance with the teacher and school officials.
	Review your child's records Compile and review the following: • *Your child's current IEP* • *Reports of progress toward the annual goals in your child's current IEP* • *Report cards for current school year* • *Recent work samples* • *Performance on district and/or state assessments (If your child is participating in district and/or state assessments in an alternate manner, be sure to get information on how your child is performing in relative to same-grade peers. Results on alternate assessments, out-of-level assessments do not provide information on your child's performance compared to other students at his/her grade level.)* • *Results of most recent evaluation(s) (If your child has recently received an individual evaluation, be sure to request a copy of the evaluation report prior to the IEP meeting. If you have had your child evaluated privately, consider sharing the results of the evaluation with school personnel prior to the IEP meeting)* • *If your child has a job outside the home, bring copies of letters or reviews from supervisors* • *Any other communications with the teacher and/or school* **Note:** You have the right to inspect and review any education records relating to your child that are collected, maintained, or used by the school district. You may also request a copy of your child's educational records at any time. Be sure to organize all of these records (preferably in a 3-ring binder) and take them with you to the IEP meeting.
	Network Join local chapters of parent groups that offer information about your child's specific disability. Contact your state Parent Training and Information Center for information on your state's special education laws or regulations. Attend trainings and support groups that will help you understand ways to use your rights under IDEA.

Check When Complete	WHAT TO DO
	Request and review notice of meeting You should be given written notice of the proposed IEP meeting, preferably at least 10 days in advance. The notice should include the date, time, purpose of the meeting and those expected to attend. Use this meeting notice to ensure that: • *The date and time are convenient for you and others you plan to have attend (advocate, private tutor, private evaluator)* • *If appropriate, your child is expected to attend* • *If your child will turn age 16 (or older) during the period of the next IEP, or if you feel that transition planning should begin with the next IEP (regardless of your child's age), both your child and any appropriate representatives from other agencies are invited to attend* • *All appropriate school personnel are listed as expected to be in attendance. See team excusal below for additional information.*
	Request alternative means of meeting attendance If you or others you want to attend the meeting cannot attend on the proposed date and time, you can propose alternative forms of meeting attendance such as audio conference calling or video conferencing. Be sure to make your requests for such alternate meetings well in advance so the school can provide the necessary equipment.
	Approve or reject proposed IEP team member excusals Your IEP Meeting notice should indicate if the school proposes to excuse a team members – from attending either the entire meeting or part of the meeting – for one of the following reasons: • *The member's area of curriculum or related services is not being modified or discussed in the meeting* • *The member's area of curriculum or related services is being discussed and the member will submit written input to the parents and the team prior to the meeting* If the school proposes to excuse a member for either of these reasons, you must agree in writing. If you disagree with the proposal to excuse a member on the basis that their area of curriculum or related services will not be discussed, inform the school that you do not agree with the proposed excusal and you expect the member to attend the meeting. Written input from an excused member should be provided well in advance of the meeting in order to allow time for your review and acceptance. If you determine that the written input is not sufficient, advise the school that you expect the member to attend the meeting. For best results, members of the IEP team who should not be excused under any circumstances include: • *The district representative (knowledgeable about the availability of the school district's resources)* • *The regular education teacher*

Check When Complete	WHAT TO DO
	Request information on any district or state assessments In order to make important decisions about how your child will participant in required district and/or state-wide assessments (such as those required by the No Child Left Behind Act – NCLB) request complete information on those assessments, including information about the type of test, when it is administered and sample questions. Also request information about alternate assessment options and information about how participation in an alternate form of assessment might impact your child.
	Request state guidelines for test accommodations In order to make important decisions about the appropriate assessments your child will need in order to participant in required district and/or state-wide assessments (such as those required by the No Child Left Behind Act – NCLB) request a copy of your state's guidelines on test accommodation. Every state is required to have such guidelines. The guidelines should include information regarding any accommodation that, if used, will invalid the test score.
	Notify the school if: • You plan to tape the IEP meeting. The option to tape an IEP meeting various by state, so be sure to check into your state's policy regarding taping and also advise the school in advance of your plans to tape the meeting • You plan to bring others to the meeting. Provide the school with a written notice of who you will bring and their relationship to your child
	Review your Procedural Safeguards Notice Make sure you have a copy of the current Procedural Safeguards Notice for your school district. *Note: Schools are no longer required to provide a copy of this notice with each IEP meeting notice.*
	Develop your Parent Report Your Parent Report should include: • Your impressions of how your child is doing in school. Include both academic performance as well as social, behavioral and functional performance (include work samples and/or school reports that substantiate your comments and concerns). • Your child's strengths and weaknesses, relationships with family and friends • Your comments or concerns regarding your child's attainment (or lack of attainment) of the annual goals on the current IEP • Your input regarding particular strategies that are or are not working for your child • Your input regarding other areas such as behavior plans and/or technology that might help support your child's learning • If your child's IEP also includes a transition plan, include information about your child's postsecondary goals (college, vocational interests, possible career choices) Use the Organizing Your Concerns Chart to help compile your Parent Report. **Note:** You can share your Parent Report with school personnel before or at the IEP meeting. Sharing it before the meeting will allow school personnel the opportunity to review your report and include information you have submitted in the IEP.

Check When Complete	WHAT TO DO
	Develop Annual Goals Using the annual goals in your child's current IEP, develop annual goals for the coming year, including • The amount of progress you want to see your child make in the coming year (progress should be adequate to allow your child to make up for significant gaps in achievement vs. same age/grade students) • Any particular methodology you think would be well suited for your child given his/her particular difficulty or deficit, age, learning style. Special education and related services must be based on peer-reviewed research whenever possible • How progress toward the goals will be measured and how frequently progress will be reported to you. (Reports of progress must be based on objective measures and progress reports should be provided to you as frequently as progress is reported to all parents, generally at each grading period)
	Learn the Form Most school district (or states) has developed IEP forms that are used to compile a student's individualized program. Become familiar with your school's form prior to the meeting so you will know what information will be included and how the IEP will be developed. Request a copy of your school's form from your school or district special education office.
	Request IEP draft Many schools accomplish some advance work on developing student IEPS by doing a "draft" which will then be reviewed at the meeting. If this is the practice of your school district, request a copy of the "draft" prior to the meeting so you have time to review it. (Note: "draft" IEPs are just that – drafts to help facilitate the meeting. Completing IEPs prior to the meeting violates the IDEA. Don't be intimated by "draft" IEPs – instead, consider it an extra opportunity to see the thinking of IEP team members in advance. You will provide your comments and concerns about any "draft" and you should expect a final IEP to be produced at the official IEP meeting.)
At the meeting	
	Arrive early Arrive at least 15 minutes prior to the time your meeting is scheduled to begin. Provide any persons you have invited to attend the meeting with a copy of your child's current IEP, your Parent Report and your suggested annual goals.
	Remain calm IEP meetings can be stressful and emotional. Above all, you must be: • Cooperative • Respectful • Calm • Positive

Check When Complete	WHAT TO DO
	Name a note taker Unless you plan to tape record the meeting, you will need to take detailed notes. If note taking is hard for you to do while participating in the discussion, designate one of your invitees to be the note taker for the meeting.
	Request introductions Ask everyone at the meeting to introduce themselves and explain their role in the meeting. Have anyone you have brought to the meeting introduce themselves and explain their relationship to your child. Be sure to record this information in your meeting notes.
	Review your Parent Report If you haven't shared your Parent Report with school personnel prior to the meeting, review it at this point. Your input should be incorporated into the school's information to complete your child's Present Level of Performance (PLOP).
	Develop all required IEP components The IDEA requires several components to be a part of every IEP. Be sure that each component is discussed and included. Use the IEP Checklist for Parents to review the proposed IEP for completeness. Make sure that all agreed upon services are written in the IEP document. **Note:** While some services, such as accommodations, might be "standard practice" in many schools or classrooms, the IEP should reflect all special education, related services, supplemental aids and services, modifications, accommodations (classroom and testing) that will be provided.
	Finalize the IEP You don't have to sign the IEP at this meeting. If you want to review the IEP first, ask to take it home before you sign it. Be sure your signature indicates what you intend it to mean, such as attendance, agreement, partial agreement, refusal. Provide any concerns you have about the proposed IEP to the school in writing. If you object to the proposed IEP or any part of the proposal, explain the reasons for your objection. Ask that your written concerns be attached to the proposed IEP.
After the meeting	
	Explain changes to your child If your child didn't attend the IEP meeting, explain any changes that will be made to the child's current program or placement and the reasons for the changes. Don't let your child be surprised by changes agreed upon in the IEP. Knowing what to expect will help ensure success.

Check When Complete	WHAT TO DO
	Monitor progress While the school is required to provide you with regular progress reports (generally at each grading period) you can request more frequent progress reports. Progress reports should be based on objective information, not teacher opinion or observation. Work samples and performance on district or state assessments should be compared to the progress reported on the IEP progress reports. If progress reports show significant progress or a substantial lack of progress, the IEP goal(s) should be discussed and the instructional program in use should be reviewed.
	Meeting more than once a year While each student's IEP must be reviewed and updated at least annually, you can request an IEP meeting at any time. If progress is slow or other issues, such as behavior, need to be addressed, request an IEP meeting in writing.

IEP Meeting Conversation Stoppers

Some of the statements made to parents at IEP Meetings are "conversation stoppers" - comments that create barriers and can prevent the IEP Team from working cooperatively to develop effective special education services and supports for students with disabilities.

Here are nine common "conversation stoppers", some information about what may be the real issues of concern and suggestions for how parents can respond in a forceful but respectful way so that planning for their child can move forward.

Stopper #1: "The general education teacher could not be here today."

What is the issue?

The vast majority of children with disabilities spend most or all of their school day in general education activities or classrooms. It is essential that the general education teacher be an active IEP team member. This does not mean that parents should expect teachers to leave their classrooms for long periods of time. However, it is reasonable to expect the general education teacher to attend IEP meetings to contribute expertise in setting academic, behavorial and social goals, to advise the team about curriculum and help identify where and when adaptations and accommodation will be needed so that your child can be successful in the general classroom and have meaningful access to the general education curriculum.

Here are possible responses:

"Nina is one of Miss Taylor's students and we think she is doing very well. However, I have no idea if the goals, accommodation and other supports we are suggesting are going to be helpful to Miss Taylor in adapting the curriculum and classroom activities so Nina can be successful. We need to schedule another IEP Meeting so that Miss Taylor can attend for at least part of the time."

"This is the first year my child has been spending a lot of time in a general classroom. I do not want to have IEP meetings without my child's general education teacher. We can complete the main parts of the IEP and give a draft to Mr. Jones. But then we will need to schedule another IEP Meeting that includes him so that our team is complete."

Stopper #2: "Your child can't participate in academic classes if he can't pass the state assessments."

What are the issues?

Both the Individuals with Disabilities Education Act (IDEA 2004) and the No Child Left Behind Act (NCLB) encourage schools to have high expectations for all students and require schools to provide equal opportunities for students to receive academic instruction. Students with disabilities have a right to have meaningful access to the general curriculum. Parents and IEP teams should work with general education teachers to identify those areas of the curriculum that can and should be incorporated into the student's IEP and then provide modifications and accommodations through special education services.

Here are possible responses:

"It's absolutely essential that Eric be provided with good instruction in a variety of academic classes in order to meet his IEP goals. We want him to have the same opportunities to learn as all other students at this school, whether he is able to pass the end-of-year assessment or not."

"We know that we and Eric's IEP team can determine if Eric will take the regular state assessments or an alternate assessment. Maybe Eric will not reach all the course requirement for this class, but Eric must have the opportunity to learn the same curriculum as the other students."

Stopper #3: "We have developed our own reading curriculum for this reading class."

What are the issues?

Unless the curriculum, which is defined as the content and the methodology used to teach that content – has been shown to have produced positive learning outcomes for all students or for students with disabilities, there are legitimate questions that parents and other IEP members must raise. Specifically, IDEA now requires that services provided to students under the IEP must be based on peer-reviewed research. Peer-reviewed research is that which has been reviewed by other education experts and can be applied to other situations, can be tested with other groups of children and can be built upon by other researchers.

Here are possible responses:

"Our job as an IEP Team is to make sure that the curriculum that is used for Maria's instruction is based upon solid education research. If there is a particular curriculum used at this school or in this program, then I would like to see the research that proves that the curriculum has been successful in meeting the instruction needs of students like Maria before we can agree."

"The research on reading indicates that a reading program needs to contain several essential components - Phonemic Awareness, Phonics, Fluency, Vocabulary and Reading Comprehension – to be effective for most children. Can you provide us with independent research which shows that your reading program adequately provides each of the required components?"

Stopper #4: "First we'll work on skills and then we'll see if your child is ready for this academic class."

What are the issues?

The purpose of special education is to provide the "specially designed instruction," services and supports that will allow children with disabilities to receive benefit from their public school classes and activities. There is evidence to suggest that children and adults do better when they are instructed in the same educational environment where the skills are to be used. Students who require extra help, or individual attention should receive it. But parents and teachers need to take care when considering how and where that individualized support is provided.

Here are possible responses:

"I want to make sure that Juan receives the individual instruction and reinforcement that he needs. I also want the IEP team to work with me to make sure that Juan is not held back or that he misses other opportunities to learn the same information as his classmates."

"Juan may not have all the skills the other children have, but he can be a part of his general classroom with support. We can make learning those skills part of his IEP and his special education services. Besides, I am sure that there will be other children in Juan's class who need to learn similar skills as well."

Stopper #5: "We'll be using teacher observation to measure progress toward your child's annual IEP goal."

What is the issue?

Reporting of progress toward the achievement of each annual goal is designed to provide parents with interim reports about how their child is doing. To be accurate, such reports must be based on "objective measures." This means that there

must be something besides what the teacher thinks or sees to determine progress. An object measure might be counting the number of times your child successfully completes a class assignment, a simple weekly checklist of sight words recognized, or a more formal assessment tied to your child's goals. While a structured observation by the teacher or another member of the school staff can be one way to measure progress, teacher observations cannot serve as the only measure of progress. Another issue that might be causing this conversation stopper is that the goals may not be written very well. Check to see if the goals in your child's IEP are written so they can actually be measured objectively.

Possible responses are:

"It's not going to be possible for me to know if Natasha is making progress unless we have some objective measures written into her IEP. What other measures can we use to track her progress toward reaching these annual goals?"

"We need to think about some more formal ways of measuring Natasha's progress. Sometimes it takes quite a while for Natasha to learn new material. I need to know what assessments we are going to use to ensure that she is mastering the really important skills on this IEP."

Stopper #6: "Your child's behaviors are disrupting the classroom."

What are the issues?

Concerns about your child's behavior should not be introduced for the first time at the IEP meeting. Students benefit most when teachers and parents communicate frequently and share concerns or problems when they happen. Students with disabilities, such as learning disabilities, may have difficulty communicating their wants and needs, may not like "letting go" of an activity they enjoy, or may challenge adults when "beginning" an activity they don't like or have failed at in the past. Many students need help preparing for transitions throughout the day or in learning how to get positive attention from friends or teachers. Some children with significant learning or emotional needs can engage in challenging behavior when they are upset or angry. It is very important for the IEP Team to respond to problem behaviors immediately, and to bring additional professional help to the school to do functional behavior assessments so that positive goals, interventions and support strategies can be developed for school and home.

Here are possible responses:

"Kevin's behavior can be disruptive at home, too. But we know that when Kevin feels like he is communicating his wants and needs and when he is not frustrated, his behavior is much better and is not disruptive. I need the IEP Team to help everyone understand why Kevin has hard days sometimes and what we can do to help Kevin improve his communication, his response to instruction and his social skills."

"Kevin has a lot of strengths. He loves music, he is funny and enjoys humor, and he really tries hard to do what his teachers and we expect him to do. He wants very much to be with other boys his age and socialize. Why can't we use Kevin's strong skills and the things he really likes to do to help him get better at handling the things that frustrate or upset him?"

Stopper #7: "Our district doesn't put technology into the IEP."

What are the issues?

This statement is incorrect. IDEA provides for technology services as part of students' special education programs. What this kind of statement may communicate is that the IEP team members are not certain what type of technology is available, how to get it, or how to use it. For students with significant learning, communication, sensory, cognitive, or physical disabilities, the use of technology to assist teaching and learning can make the difference between accessing genuine opportunities for literacy and higher-level academics and a school day that is limited to low level functional, redundant activities.

Possible responses are:

"I am sorry, but Marc needs to have word prediction software to improve his written language skills. My concern is that if we do not write this into the IEP he will not get it. If you would like information on where you can find this type of software for Marc, I have it at home and can send it in or call you with the information."

"We did a trial run using the computer at his former school last year and Marc's writing skills improved significantly when using this software. If we don't write this into the IEP, then my concern is that Marc will not be provided with the supports he needs to learn the skill Learning how to use software that can help him improve his writing skills is essential to achieving the goal."

Stopper #8: "We just don't have the money for technology."

What is the issue?

It's true that school districts are often struggling with budget concerns. However, making sure that the public schools get the money they need is a shared responsibility for the entire community. This is your child's IEP meeting and you have a right to focus the meeting on developing an effective special education program that will meet your child's needs. Services must not be based on available resources but on the needs of the student.

Possible responses are:

"I appreciate the fact that providing Lee with a computer and software could be expensive. However, learning to use these devices and gaining access to curriculum using software is critical to Lee's learning and to his future. We will work with you to identify possible sources of assistance, but our responsibility is to make sure that Lee's IEP accurately reflects what he needs. We can't end the conversation because of money."

"There are many sources of possible funding for both hardware and software. But this meeting is not about money. This meeting is about Lee's ability to benefit from school and about preparing him for the future."

Stopper #9: "We can't give your child special education services if you don't sign this IEP."

What is the issue?

IDEA is very clear about when parents have to give written consent (or permission) for special education services. You must give written permission for your child to be evaluated to determine if your child is eligible for special education. You also must give written permission for your child to receive special education services in the first or "initial" IEP team meeting. However, your signature on IEP documents after that "initial" IEP signifies that you participated in developing the IEP. (If you and the team disagree about some part of the IEP, it's best to either schedule another meeting to continue to discuss the issues and concerns or simply sign your name and add a sentence stating that you participated in the IEP meeting. Provide the school with a written report stating your objections to the proposed IEP and ask that it be attached to the proposed IEP.)

Possible responses are:

"I am not ready to accept the entire IEP as written. I will sign that I participated in this meeting, but we will need to meet again to see if we can come up with a program that meets my child's needs."

"Actually, it is not necessary for me to sign the IEP document. If the school district has a policy about parents signing their child's IEP or losing services, I would like to see a copy of that policy."

This information has been adapted from the IEP Pop-Up tool developed by the Center on Low Incidence Disabilities, Families for Hands & Voices and TASH. http://www.NCLID.unco.edu

IEP Checklist for Parents

Use this list to determine if your child's IEP contains all of the components required by IDEA. Remember to provide your input to the school in advance of your child's IEP meeting.

- ◯ YES ◯ NO Is the information in your child's present level of performance (PLOP) clearly stated and supported with objective information and assessment or evaluation data, such as information from standardized testing, curriculum based measurements or performance on district or state-wide assessments?
- ◯ YES ◯ NO Does the present level of performance (PLOP) section of the IEP contain information about the academic, developmental and functional needs of your child?
- ◯ YES ◯ NO Are your concerns and expectations for your child included in the present level of performance (PLOP) section of the IEP?
- ◯ YES ◯ NO Are your child's annual goals clearly stated and can they be measured?
- ◯ YES ◯ NO Knowing the effects of your child's disability, do the annual goals directly relate to your child's needs as stated in the present level of performance (PLOP)?
- ◯ YES ◯ NO Is the specific way(s) to master the annual goals clearly stated?
- ◯ YES ◯ NO Is the method(s) to monitor and evaluate your child's progress toward the annual goals clearly stated?
- ◯ YES ◯ NO Does the IEP indicate the amount of time your child will spend in general education?
- ◯ YES ◯ NO Are the special education services and related services recommended for your child supported by scientific research that supports their effectiveness? If not, what evidence has the school provided to indicate that the services and instructional methods proposed for your child have been found to be effective for children with similar learning difficulties and of similar age?
- ◯ YES ◯ NO Does the IEP state who will be responsible for implementing the services listed?
- ◯ YES ◯ NO Are the appropriate related services addressed on the IEP?
- ◯ YES ◯ NO Do you know how the IEP content will be communicated and shared with the staff responsible for their implementation?
- ◯ YES ◯ NO Are all of the appropriate accommodations listed?
- ◯ YES ◯ NO Does the IEP indicate how your child will participate in state and district testing?
- ◯ YES ◯ NO Have any potential consequences of your child's assessment participation been explained to you? Have you discussed whether your child may or may not be allowed to move on to the next grade or graduate with a regular diploma?

Your active participation in your child's IEP is critical to your child's success. Every state has additional laws or regulations, so be sure to contact your state's Parent Training and Information Center to obtain additional information specific to your state's IEP procedures.

Transition Considerations Checklist

Use this checklist to determine if your child's transition planning includes all of the components needed.

Early Transition Planning (for students in middle school)

○	Have your child's strengths and interests been adequately identified? If not, what assessments are needed?
○	Can your child's strengths and interests generate ideas for realistic goals or directions for the future?
○	Can your child expect to graduate with a regular high school diploma?
○	What would your child need to learn or be able to do in order to meet his or her goals?
○	Does your child's courses of study contribute to meeting these goals?
○	Is self-advocacy training included in your child's program?
○	If needed, are functional skills (e.g., working with or managing money, shopping, using public transportation, and knowing how to be safe at home and in the community) included in your child's program?
	Are extracurricular activities relevant to your child's interests available?

Late Transition Planning (for students in last two years of high school)

All of the above questions are still relevant and additional ones need to be addressed:

○	Can your child explain the specific nature of his or her disability? Does your child know when it is appropriate to disclose and discuss this disability and explain the accommodations it requires?
○	Does your child know his or her legal rights?
○	Have you and your child established working relationships with professionals from community service agencies who will be providing services after your child leaves high school?
○	Are there natural supports available in your community (friends, clubs, religious organizations, etc.) to meet your child's needs and interests?
○	If your child has been using assistive technology or software, what arrangements have been made to ensure that these will be available to him or her after high school?
○	If your child has reached your state's age of majority, has he or she received a notice of the rights that transfer?

Summary of Performance Checklist

1.	Does your child's summary of performance include accurate and understandable descriptions of: ◯ academic achievement? ◯ functional performance, including independent living abilities? ◯ recommendations that will realistically help your child to meet postsecondary education, training, employment and independent living goals?
2.	Does the summary include the specific information or documentation needed to satisfy: ◯ postsecondary education or training institutions? ◯ community services providers? ◯ The Americans with Disabilities Act? ◯ The Rehabilitation Act of 1973, especially Section 504?